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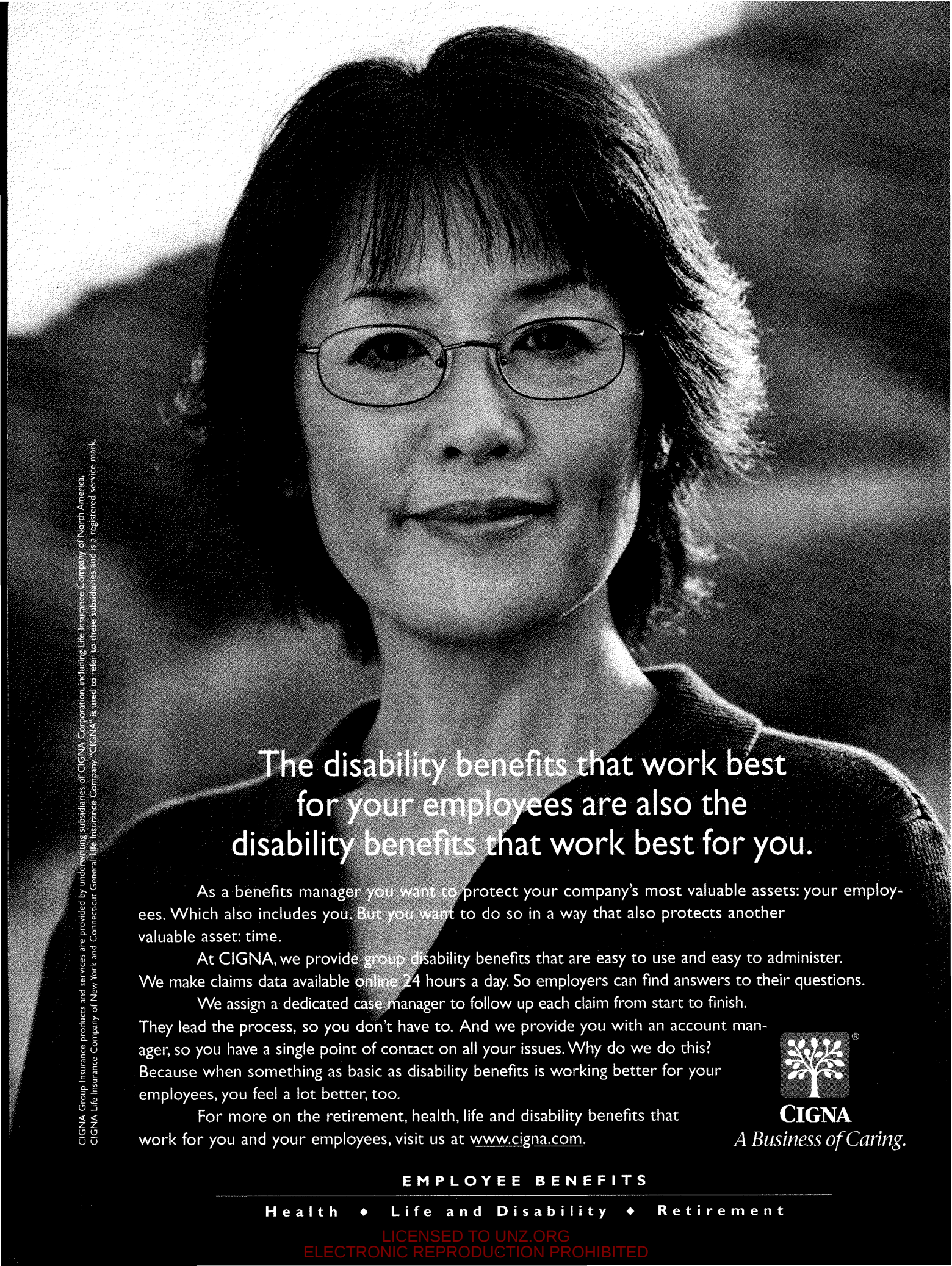

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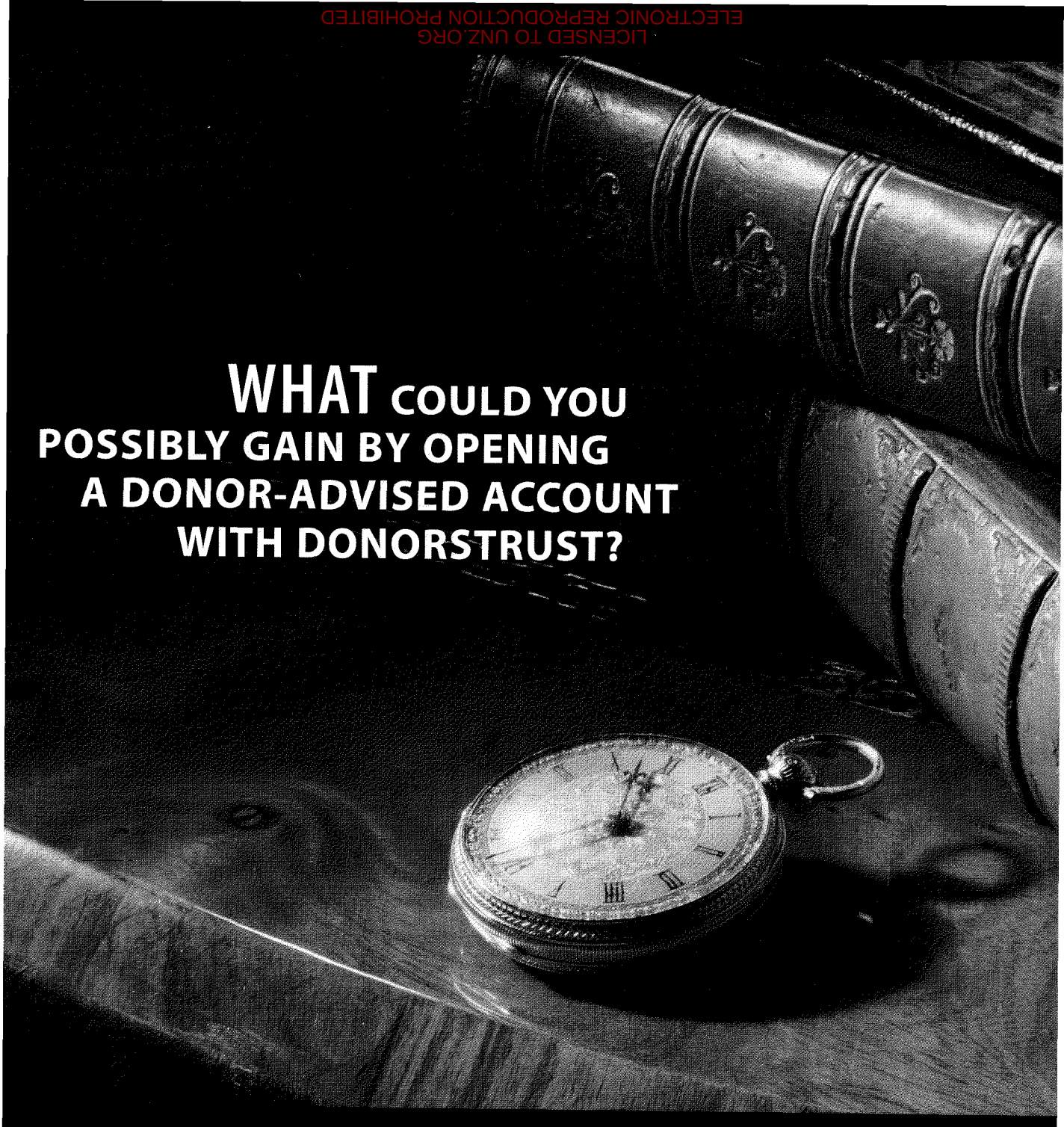

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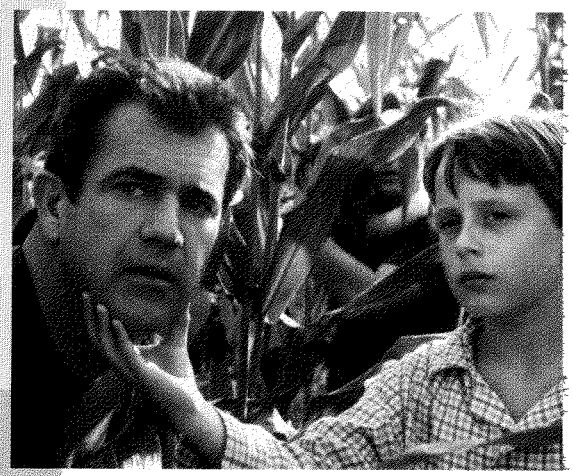

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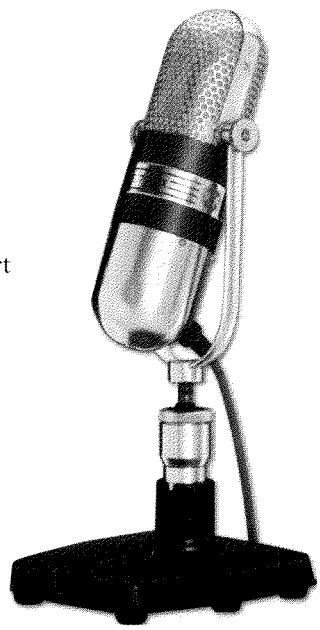

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Bird's Eye

Karl Zinsmeister

Unchain Our Schools!

As this issue of *The American Enterprise* is flowing through newsstands, the U.S. Supreme Court will hold oral arguments on two court challenges to racial preferences at the University of Michigan. The Court's decision will come in June, and could be historic.

Michigan uses a point system to decide which students get in. Currently, any applicant who is black, Hispanic, or Native American automatically gets 20 points. Whites, Asians, Arabs, and others get nothing.

That is un-American. It is also unfair. A hundred points will generally get you into Michigan, so those 20 racial points lend a huge advantage. A student who pulls off a *perfect* SAT score gets only 12 points. Under Michigan's affirmative action rules, 64 percent of black applicants will be admitted with an academic record that would give a white applicant, identical in every way except skin color, only a 1 percent chance of being admitted. (Calculations by social scientists Robert Lerner and Althea Nagai.)

America is thus in the ugly business of sorting people crudely by race. Ask an advocate of preferences how he can possibly defend this method of discriminating and he'll tell you that the ends justify the means: Campuses must be "diverse." And without affirmative action, black people wouldn't be able to go to college.

You will often hear activists say that "there are more African Americans behind bars than in college," with the suggestion that this surely justifies "emergency" measures. That claim is utter disinformation—representing either statistical ignorance or a blatant attempt to mislead. There are presently 1.8 million college-age blacks on campuses; about 200,000 are in prison.

It's a scandalous—and slanderous—misrepresentation to suggest that for blacks the only alternative to the slammer is special preferences. Black Americans are quite capable of making steady progress the old-fashioned way. In 1980, 42 percent of black high school grads went to college; today that's 62 percent, virtually the same as for whites.

After Ward Connerly convinced Californians to ban racial preferences in their state university system a few years ago (you'll find an interview with Mr. Connerly on page 18), agitators insisted that blacks would disappear from our campuses. They were badly mistaken. More than five years after their affirmative action crutches were taken away, young black Californians very much continue to walk the ivy pathways. Minority enrollment on the eight campuses of the University of California system is now 20 percent—up from 18 percent in the last year that preferences were used.

Indeed, if you will follow me on a brief tour of some eyebrow-raising figures, I believe I can show you that black students in California actually ended up in a *better* position without affirmative action. Consider: In 1997, the number of African Americans accepted at the eight U.C. colleges was 1,556. That was the final year racial preferences were legal. Over the next few classes of students, the black acceptance totals went this way: 1,368, then 1,453, then 1,536, then 1,734. Just four years after preferences were banned, black acceptances were already well above their affirmative-action-induced level.

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But what's especially interesting is the way black students *progressed academically* on the more level playing field. One of the most subtly devastating effects of affirmative action is that it over-promotes minority students—pushing them onto a higher rung of the educational ladder than their prior school record has prepared them for. As a result, they are often in over their heads, fail to prosper in the classroom, and drop out of college at dismayingly high rates.

America is now heavily into the ugly business of sorting people by race.

A recent report by a California academic and a New York professor of statistics notes that in the entire freshman class at the University of California at San Diego, for instance, only one black student achieved a grade point average of 3.5 or above in 1997. (Twenty percent of whites did so.) Meanwhile, 15 percent of blacks had a GPA below 2.0, risking suspension (compared to only 4 percent of whites). Black dropout levels at UCSD were high.

By contrast, in 1998—the first year without preferences—a full 20 percent of black freshmen achieved a GPA of 3.5 or higher; the proportion of blacks with a freshman GPA below 2.0 declined to 6 percent. Black students now fell into the top and bottom GPA groups at approximately the same rates as white students. Black dropout rates tumbled.

What happened? Quite simply, instead of being over-promoted by affirmative action to a step higher than they had earned or could handle, blacks—like whites—were placed on the campus their grades and scores suggested they were equipped for. Yes, that meant there were black kids at U.C. San Diego who the year before might have been pulled up to U.C. Berkeley. But at Berkeley they would have fallen into the bottom group. At UCSD they thrived in a better-matched environment.

Is this not a vastly healthier scenario? Isn't it a truer method of preparing students for the way the real world works? California's rational and humane elimination of preferences ought to be copied immediately by the rest of our colleges.

Putting an end to sorting by color is the only principled course in a nation that aspires to the idea that "all men are created equal." Think what affirmative action does. First, it encourages every applicant, every college administrator, every teacher, every pupil, to view the world, and himself, in racial terms. Then it takes minority kids and plunks them into classrooms they are unprepared for. Many of these students struggle, their confidence teeters, their rancor grows. Meanwhile, other students notice that their minority colleagues seem methodically over-promoted and under-equipped (see John McWhorter's piercing feature story on page 22). Surprise, surprise—a highly racialized campus dynamic soon follows, with separate "Black Studies" classes and all-minority dorms. In this way, college campuses have become some of the most segregated and racially tense places in America,

"Racial identity politics" is what now reigns at almost all colleges. Having been trained to think of people as members of groups rather than individuals, students, professors, and administrators alike have become hyper color sensitive. African Americans and some left-wing white allies pioneered the techniques, which were then picked up by Hispanics, women, Asians, homosexuals, and endless others. Splits and schisms have crackled through student bodies, and campuses have grown fractious and testy.

Stanford University now features (quite typically) separate dorms for black students (Ujamaa House), for "Chicano" students (Casa Zapata), for Native American students (Muwekmatah-ruk), for Asian students (Okada—a reference to Japanese internment settlements during World War II). Such open racialism produces *de facto* segregation, encourages separatist thinking, undermines human brotherhood, and makes a sham of American unity.

This forced diversity crusade is why racial animosities now rise rather than fall for many students during their college years. It's why six out of ten blacks (and one third of whites) asserted to University of Virginia researchers a few years ago that "People of other races can't really understand the way my race sees things." Sensible people should not want attitudes like that to take root in a multi-ethnic society like our own.

Weak-kneed college administrators have coped with the roiling mess their affirmative action policies have encouraged in two ways: First, almost every campus now employs a "diversity officer"—essentially a racial minority member given administrative authority to stir up race thinking, and then to try to stamp out the resulting alienation and divisions. Second, the vast majority of colleges have decided that in order to keep the lid from blowing off their "identity politics" pressure-cookers they need "speech codes." These codes suppress certain kinds of

SPECIAL ISSUE OF *TAE* AHEAD

Our next installment will feature reporting from Iraq by editor in chief Karl Zinsmeister, who has recently been "embedded" as a journalist with America's 82nd Airborne Division in the Middle East.

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free expression and student interaction in the hope of preventing inflammatory conflicts. (See brand-new evidence on the sorry state of free thought and free speech in academe on page 41.) Affirmative action and the resulting racial politics aren't the only factors that gave rise to political correctness and these new muzzles on students, but they are the major influence.

It's a scandalous misrepresentation to suggest that for blacks the only alternative to prison is special preferences.

Race thinking and non-merit-based promotions through affirmative action aren't just bad for political and cultural unity; they also warp education and degrade academic standards. When Stanford's president tried to raise academic standards in 1995, he reinstated D and E grades; abolished the privilege of dropping courses the day before a final exam in order to avoid a bad grade; and implemented other common-sense measures. According to the *Journal of Blacks in Higher Education*, these reforms were resisted by "many black students…as a direct attack on them." Professors will often privately admit that they have felt pressure to loosen their teaching or grading standards in order to placate minority activists. Professor McWhorter delves into this in his article later in these pages; Linda Chavez wrote vividly about it in her recent autobiography, which we excerpted in our October/November 2002 issue.

Affirmative action prickliness is behind the recent invention of entirely new, often bogus, academic disciplines like Black Studies, Women's Studies, and Gay Studies. It can also lead to soft grading. One academic brave enough to complain about this state of affairs is Barry Shain, professor of political science at Colgate University. In a friendly written dialogue with a black female student in the fall of 2001, Shain stated that he was "concerned about the quality of education minority and some female students are likely to receive on this campus because of the willingness of too many faculty to accommodate, in particular, students of color."

He elaborated: "In too many instances this means that students are invited to offer opinions about their 'feelings' rather than advance reasoned opinions derived from careful examination of written materials encountered in class." Shain warned that "too many students of color are seduced into taking exotic courses, outside the mainstream of academia, that make few demands on them, rather than those courses that force them to grow emotionally and intellectually." His conclusion: "It seems to me that if students of color graduate with inferior written and analytical skills to those of their white colleagues, Colgate faculty are certainly not serving their needs."

When Shain's remarks were made public, two reactions followed. Several left-wing faculty members exploded in vituperation, one urging that Shain be met with "force." Seventy students from Colgate's African, Latin American, and Native American Cultural Center held an angry seven-hour sit-in at the college admissions office. Individuals started following Shain around campus, recording his lectures and public comments with the aim of suing or getting him fired for creating a "hostile working environment." He was interrogated for his statement that "the Japanese are short and they eat rice," which took place during a class discussion on the effect of diet on populations. (It happens Shain's wife is of Japanese ancestry.)

A much more thoughtful reaction came from Colgate professor Philip Richards, who published a long reflection on the Shain tempest in *The Chronicle of Higher Education*. Richards, who is black, describes the incident as a "breach of the university's racial etiquette." He suggests Shain's main infraction was to be brutally frank where most campus residents are evasive. Richards accepts much of Shain's critique, and then elaborates with a powerful frankness of his own:

> The black students whom I encounter tend to arrive less well prepared than their classmates, and only a few go on to perform at the level of the best white and Asian students. Although the black students have ranked highly in their secondary-school classes, they now must measure themselves against students from the top 10 percent of the nation's most competitive schools. With the exception of a few high performers—often women from the West Indies or Africa—most black students do not achieve academic distinction. That experience is clearly not unusual. The U.S. Department of Education recently released a report documenting that black students arrive on campuses with less preparation for college-level work than other groups, and that almost half of black undergraduates get C's or lower.

Richards extends Shain's observation that faculty tend to indulge, rather than challenge, minority students. "Over the years, colleagues have often told me that they have acquired a different set of academic expectations, whatever their formal evaluations, for disadvantaged minority students." This, he writes, has "slackened demands for minority-student achievement." Tragically, "the double standard leaves its mark on black students long after graduation…. I notice the dearth of black students who announce their entrance into high-level positions in law, medicine, finance, corporate life, advertising, education, and publishing."

Richards rightly complains that universities seem more interested in getting chocolately faces into their promotional

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brochures than in helping black students thrive on an equal footing. He suggests that "colleges like Colgate should no longer recruit black students without alerting them to the nature of life in an academically competitive environment." Alas, on almost every college campus, "public discussion focuses on multiculturalism and diversity—not the problem of inadequate black intellectual achievement."

Universities seem more interested in getting chocolatey faces into their promotional brochures than in helping black students thrive on an equal footing.

The ill effects of preferences are visible. They are measurable. They're deeply troubling. For these reasons Americans should jettison affirmative action and all racial preferences.

Am I suggesting blacks simply be left to sink or swim? As some teenagers like to say today: Not hardly. There is a reason that in this *TAE* issue about affirmative action, four of the six feature articles related to the cover theme are about schooling at the elementary, junior-high, and high school level. We've linked the abolition of affirmative action to the reform of public schools for a reason: School reform has a chance to actually achieve the good things that affirmative action promises without delivering.

I am someone who thinks middle-class Americans are much too complacent about the quality of the so-called better public schools that anchor our suburbs. After studying and visiting scores of these "better" schools, and putting my own children through several, I have to say that many of them are profoundly mediocre. They may not churn out dropouts, but neither do they stretch many children to find their upper intellectual limits.

That said, let's acknowledge that the *real* scandal in U.S. education is our big urban schools. The public schooling in our major cities is often a living illustration of the word "malpractice." For a glimpse of just how numbingly dysfunctional these inner-city government schools can be, see the tale by a former teacher on page 50.

These urban schools with the awful teaching bureaucracies are also where most minority students are concentrated. Of the top 57 school districts in the U.S., 46 have a majority of black and Hispanic students. Many of these children are not doing well. More than 40 percent of all students who go through the Chicago public schools drop out. When *Education Week* investigated 74 urban school districts it found that only a minority of the freshmen who started high school managed to graduate four years later.

That's not just bad for individual students; it's bad for all Americans. The mayor of Washington, D.C. (which has some of America's rottenest public schools) lamented at his inauguration this January that almost 37 percent of the adults in his mostly black city can only read at the third-grade level. That's our country's capital! Nationwide, blacks and Hispanics now make up 35 percent of all schoolchildren—up from 25 percent 20 years ago. If those kids are getting crummy public schooling, there will eventually be penalties for all of us.

The real risk today is not that our public school reforms will be too radical, but that they won't be radical enough. If the feel-good, phony progress of affirmative action is going to be replaced by genuinely improved mobility among black Americans, we need some shock therapy.

First of all, blacks themselves need some shocks. Our second feature article, by Jane Mack-Cozzo, is the story of how one school district was recently given a high-voltage jolt of reality concerning black schooling. The community not only survived, but seems to have absorbed some important hard lessons.

That article is but one flesh-and-blood illustration of a much broader problem. I have just read a brand-new multi-year study by John Ogbu, a black U. Cal. Berkeley anthropologist, which identifies the underlying dilemma: the widespread disconnect of black America from schooling today. Since this is such an important subject—yet generally taboo as a topic for frank discussion—I'd like to give you some extended extracts from this new book, which is entitled *Black American Students in an Affluent Suburb: A Study of Academic Disengagement*.

Because the research and writing in this book are highly academic, I have done my own simple paraphrase of its most important new revelations. I am of course highlighting only selected findings; it is, after all, a 320-page work. But I have been very careful in the summary that follows to adhere to the author's own conclusions. Like many good academics who choose to bury their contentious results in a thick syrup of on-the-one-hand/on-the-other-hand, Professor Ogbu may not like my pulling his most controversial findings starkly to the surface. But here is what ought to interest us in his research:

Current policies on racial academic gaps focus almost entirely on "system" factors, blaming schools and society. Our research suggests the beliefs and behaviors that minority students bring to school should also be examined so that other factors which contribute to the problem can be discovered. Since the late 1980s, We have been studying community influences on education in cities across California. In 1997 there came an opportunity to study the community of Shaker Heights, Ohio, where a group of local blacks invited us to investigate.

Shaker Heights is a wealthy, thoroughly integrated suburb of Cleveland where many upper-middle-class black families live with similar white residents. The school system is one of the best in the nation. Still, there is a problem: a wide gap in academic achievement exists between white and black students. We

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studied why even black children from well-to-do, educated families are often academically disengaged, and our results have broad relevance to a problem that is nationwide.

The real risk today is not that public school reforms will be too radical, but that they won't be radical enough.

Our findings: Many black students are not working hard, or to their full capacity. Some readers will not accept this, because it runs counter to current political fashion. But it became clear to our research team that "low-effort syndrome" is a significant part of black academic disengagement. Black students are generally represented today as victims. Schools are held almost entirely responsible for their failures, and for the lack of involvement by their parents. By simply letting students, school personnel, and parents speak for themselves, we found otherwise.

We interviewed hundreds of students and school personnel of both races. All groups agreed that black students did not work as hard as white students. Black students often voluntarily compared their own academic efforts with those of white students, saying they did not work as dutifully. Middle and high school students were emphatic in stating that black students preferred easier classes, while white students took honors classes because they were more willing to work.

In group discussions as well as individual interviews, most black middle school students described their own academic effort as "just enough to get by." They said they could work more diligently but did not. These included students in honors classes.

High school students had the most to say about low-effort syndrome. One male stated that while black students blame teachers for their poor academic performance, the reason for their poor grades was typically that the students do not usually complete their assignments. Other students agreed with him.

In our direct observations as well, most black students were not highly engaged in their schoolwork. The amount of time and effort they invested in academic pursuits was not impressive. We can confidently say that most black students could make better grades than their records show.

In our study, black academic effort decreased markedly from elementary to high school. At least half of the black students we encountered at the elementary level were enthusiastic about their schoolwork, and some wanted to make good grades. As we moved up in age, however, this enthusiam faded.

One student pointed out that most of his classmates were content with being average. Another said people always talked to him about the value of doing well in school, but that it didn't mean anything to him. A third stated that teachers often lectured students about the importance of doing well in class, but most students didn't care. One said that his classmates would rather have "freedom" than "calculus."

Students reported they didn't study or do homework because they spent too much time watching TV. Others said they habitually put off homework because of distractions from friends and talking on the phone.

Students were often reminded of the need to prioritize, to set academics above sports, to budget their time, and give up some present desires for academic pursuits. Students were advised on the importance of taking notes in class and studying after school. Yet little of this was taken to heart.

One student described how she understood the problems on a test yet failed, because she was talking during the exam. Lack of concentration was evident to us during tutoring sessions. Students often did not focus on assignments or follow through to complete a task. On one occasion, 12 students were each given a packet of materials to read before the next session. When the students arrived on that day, only three had done the readings: nine reported they had lost them!

We often saw pupils arriving late to class, coming without proper supplies, talking during the lesson, not paying attention, and barely doing classwork. This was true at different school levels, and in different types of classes: regular, remedial, enrichment, college prep, and honors.

A kind of norm of minimum effort appears to exist among black students, especially among males. One student with whom we established good rapport said he was contemplating attending college in Florida or California. He considered himself a good student. When we asked him about his grade point average he said it was "about 1.9 right now." He said he could work harder to get higher grades but didn't, because he believed he could be admitted to college to play football. Another student boasted that he would "do homework on occasion just to make sure…I maintain a 3.0, but I won't do anything over that."

Among their peers, explained some black males, "it is not cool to be successful." Students who were smart chose not to put forth effort.

It was not uncommon for students to blame teachers. "They tryin' to fail us 'cause we black," mumbled another student. There was a complaint that teachers "go back to stuff that you have already done, and throw that in on the test." Suggestions made by students for performing better included taking a practice test or peeking at the tests.

We came across only a few students who were determined to excel in order to go to college.

Blacks tend to interpret school as a white imposition. Some black students believe their roots are in the ghetto, where the lifestyle does not include school engagement. Successful black students and professionals are accused of abandoning their

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Sidelights

"God is avenging us" an Iraqi government employee commented after the explosion of the space shuttle *Columbia*. ❧ Afghanistan's new chief justice recently shut down all television channels he considered un-Islamic. ❧ In a televised speech, Italian prime minister **Silvio Berlusconi** told his countrymen, "We are in favor of peace, but we cannot become co-responsible for giving in to those who want to threaten our security, our liberties and our democracy.... Liberty is the essence of mankind." ❧ A Norwegian appeals court acquitted a Middle Eastern man who had sexually assaulted a mentally disabled woman on the grounds that he had lived in Norway for only 12 years, and couldn't tell anything was wrong with the woman, and that he didn't realize that he was doing something wrong. ❧ In 2002, the top two regions for recruiting Marines were Nashville and Northern California. ❧ Bosnian Muslim **Sead Jakup** attempted to burn down the Young Israel of Kings Bay synagogue in Brooklyn, but was stopped by police after they received a call from Pakistani Muslim **Syed Ali** who informed them what was happening. Ali said he called 911 because "It's a sacred place he was going to destroy." ❧ Emigration of French Jews to Israel is at its highest level in 30 years. A woman who had been assaulted near her French synagogue told *Le Monde*, "Until last year we were proud to be French.... No longer. Now we are proud to be Jewish." ❧ Two thirds of British businesses oppose joining the euro within the next two years, according to a poll conducted by the British Chamber of Commerce. ··· Two thirds of Norwegians want E.U. membership. ❧ A 60-year-old British man attempted to invoke the ancient right to trial by combat as a way to resolve his £25 fine for a minor driving offense. His request was denied.

The Boston area is facing a rash of mouthwash theft by homeless men who steal it for the alcohol content. A bottle of Listerine is about 52 proof. ❧ In 2002, 63,000 Americans had their stomachs surgically shrunk as a way of losing weight, up from 23,000 in 1997. ❧ Suburban Chicago teenagers facing charges of videotaping themselves having sex with an unconscious girl claim they were inspired by a "Girls Gone Wild" video commercial. ❧ Students at Monarch High School in Louisville, Colorado are suing their school because it refuses to let them start a club that would teach Biblical principles to help their fellow students cope with life. ··· A third grader in Mobile, Alabama was suspended for five days for taking a multivitamin with his lunch—a violation of an anti-drug policy. ❧ A Florida couple is suing a local McDonald's for over $15,000, claiming an improperly prepared bagel damaged the husband's teeth and their marriage. ❧ People falsely claiming to have lost relatives in the World Trade Center attacks have collected at least $2.5 million from government and private agencies. ❧ Seventy-four percent of Americans want spam—junk e-mail—to be illegal, according to a Harris Poll. ❧ Police respond to 38 million private burglar alarms annually, states the Justice Department; 98 percent are false alarms.

About 6 percent of the $206 billion that various states received from the tobacco industry is actually going to anti-smoking programs. ··· The Australian headquarters of Philip Morris is now a smoke-free environment. ❧ New Mexico governor **Bill Richardson** wants to change the name of U.S. 666, a roadway in the Northwestern part of the state. According to New Mexico officials, the number's Satanic implication "discourages tourism and economic development." ❧ A new San Francisco ordinance requires those who own pets to be referred to as pet "guardians," not pet "owners," in all city codes. ❧ People in the African village of Blantyre attacked their governor, fearing he was harboring and colluding with vampires.

—BB

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Scan

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SELF-RELIANCE TIME

America is the new Rome—the overwhelmingly dominant civilization of her age. Unlike Rome and every other great power in history, however, she is not an imperialist nation. More than anything else, Americans want to be left alone to tend their own gardens; they have no interest in controlling or taking over other nations. In places where they become involved while keeping the global peace, they rush to get out as quickly as possible.

Unfortunately, none of this decency and gentleness is going to head off resentment of American power. Americans need to recognize that an inevitable part of being the biggest guy on the block, the house adult, the global dad, is spite from other nations. Over the next generation, the distance between America's successful capitalist-individualist democracy and other civilizations is only going to widen. So forget about being beloved, Americans, because that's not in the cards.

As part of the new anti-American reality, our leaders ought to consider pulling troops out of Germany, Korea, Japan, and other spots where they no longer serve much purpose, yet function as lightning rods for bitterness. This would lower our overseas profile, save defense funds that could profitably be used elsewhere, and reduce the likelihood of international friction every time some wayward G.I. commits a crime or has a traffic accident.

Perhaps more important, an American withdrawal would stimulate our rich but decidedly lethargic allies to become more realistic about the world's dangers, less passive about confronting them, and less confident that they can constantly undercut the U.S. yet still sleep safe and sound in their beds at night.

For more than half a century, the U.S. held a shield over the eminently overrunnable German countryside. When global danger came to our shores on 9/11, the Germans repaid us in bitter coin. That's why Marine General James Jones, the Supreme Allied Commander for Europe, is now proposing we pull all 100,000 troops (and 75,000 dependents) out of Germany. We second the motion.

The shameful recent success of Germany, France, and Belgium at preventing NATO from acting to defend member-nation Turkey against Iraq is a further reminder that America ought not to put any more eggs in the NATO basket. As AEI academic adviser Jeremy Rabkin has noted, Europeans want a formula that calls for Americans to foot the bill for weapons, while Europe decides when to use them. That's a deal we can do without.

South Koreans have likewise responded to decades of U.S. protection in the way a snotty adolescent responds to the ministrations of his parents. Anti-American hostility is flourishing across South Korea—where a boycott of U.S. products and businesses has damaged sales of some 90 "do-not-buy" American brands, and where the young in particular are likelier to blame President Bush and the U.S. for North Korea's insane nuclear brinkmanship than the ethnically related Korean dictator next door. Meanwhile, 37,000 American servicemen sit along Korea's tense border, hostage to the miscalculations of other nations' politicians.

The majority of everyday people around the globe continue to admire and respect America. But in many of the countries we have sheltered, coddled, and protected, potent America-envying coalitions have grown up, combining elements of Left and Right. British journalist Tony Parsons recently pointed out that "the anti-American alliance is made up of self-loathing liberals who blame the Americans for every ill in the Third World, and conservatives suffering from power-envy, bitter that the world's only superpower can do what it likes without having to ask permission."

These groups are out of touch with any accurate sense of who's a friend and who's a foe. They find it more satisfying (and much safer) to poke sticks in America's eye than to take stands against the globe's numerous outlaws. The best way to help them get over this particular illness is to set them free to experience the true effects of their decisions.

As with the snotty teenager, it's when we stop sheltering them, and demand they stand on their own feet and live with the consequences of their actions, that they are likeliest to shape up. They'll end up with a much more realistic understanding of the world. And probably a lot more appreciation for dad.

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PEACENIKS IN LIVING COLOR!

Perhaps you assumed they were dead and gone, but communist organizations have been very active in the "peace" marches of the last few weeks. Indeed, the communist group ANSWER (defender of the Tiananmen Square massacre, the North Korean terror regime, and Marxism everywhere) has been the main organizer of the protests. Recently, the proprietor of the Bay-area Web log www.right-thinking.com attended the San Francisco peace rallies, took photos, then posted the shots on his site.

The pictures show red-blooded peaceniks marching beneath banners reading "Down with Democrats and Republicans! For a Multi-Racial Workers Party that Fights for Socialist Revolution!" The pictures confirm that dozens of socialist newspapers like *Revolutionary Worker* and *The People* are circulated at the rallies, along with left-wing classics like Mao's *Little Red Book*, and *Live From Death Row* by Mumia Abu Jamal. They capture numerous posters with swastikas and Hitler images that decry members of the Bush administration as Nazis.

Sharing the street with the hard-core commie organizers were various more pathetic types. One fellow carried a placard insisting that war "is stupid"; unfortunately, his message contained four spelling errors. One sign (see photo) explained that "The difference between Bush and Saddam is that Saddam was elected." Obviously no concern by the sign carrier over what kind of "elections" actually take place in Iraq.

Meanwhile, it's interesting to note that this rally of peace lovers ended with about 1,000 protesters smashing windows, vandalizing stores, throwing bricks at police and passersby, and starting fires. This even though Tom Ammiano—a leftist city supervisor who praised the marchers at the concluding rally—had asked them not to tip over any police cars, since San Francisco was going through a budget crunch. If the city had been financially healthier, then rolling cruisers would have been O.K.?

More pictures, with some of the photographer's captions, are reproduced above.

This picture puts the whole day into perspective. Here we see a vendor selling T-shirts and signs proclaiming George W. Bush a terrorist. Sitting right next to them are T-shirts celebrating Marx, Lenin, and Mao—three men responsible for tens of millions of deaths. These are the values of the modern anti-war Left.

Any good peace rally in San Francisco would be incomplete without a delusional hippie making moronic claims. For those of you who live in sane parts of the country: Yes, people like this really exist.

PROPAGANDA U.

A student burst excitedly into my office. The school newspaper had assigned her to write about the current North Korean melee—a situation she at first knew nothing about. But she had just spent an illuminating 20 minutes with one of the college's political science professors, and now understood the genesis of it all.

It was like this: The U.S. had instigated the crisis through its "oppressive" and "warlike" policies toward North Korea. Yes, we were the transgressors, and inhumane ones at that—we'd even

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As long as everyone else is doing it, I think I'll run for President.

denied the North Koreans food and aid. "Just as," the student mentioned in passing, "we've been doing in Iraq."

When asked whether she sensed any political overtones in this teacher's narrative, she bristled. I mentioned the decidedly warlike attempt of the North's communist regime to overrun South Korea during the 1950s. She shrugged and said she didn't know about all that. But she had a story to write, and didn't want to waste time on "hair-splitting."

It's no news flash that American college campuses suffer from a woeful lack of political balance. Still, one marvels at the lengths to which left-wing professors go in editing the motion picture of world history. Often, a shamelessly distorted view of the American experience is impressed on young minds that are ill-equipped to evaluate that experience for themselves.

We in academia are fond of upholding the principle of academic freedom. But unless you wish to live your life as an outcast, the only freedom you're free to uphold in academia is worship of the liberal agenda. My office sits at the end of a corridor that's awash in posters blaring that "regime change begins at home." Interspersed among these are clippings from various left-wing media, and advertisements for campus performances with titles like *It Takes Ovaries*. As far as I can determine, there is not a single slogan, cartoon, quote, or newspaper article that might be construed as supportive of President Bush or, for that matter, *any* aspect of capitalist or conservative thought.

There's a profound difference between "broadening young people's horizons"—a goal for which colleges should strive—and "purposefully turning young people against the values with which they were raised." I think of the student who showed up for my class wearing an "axis of evil" T-shirt that depicted not Saddam Hussein or Kim Jong Il, but Messrs. Bush, Cheney, and Ashcroft. Questioned later, the young man wasn't able to supply Ashcroft's actual title in the Bush administration. He didn't even know what John Ashcroft did.

But he knew it was somehow fashionable on campus, if not de rigueur, to regard the man as evil. Behold today's academic freedom.

—**Steve Salerno** *teaches at Muhlenberg College, and previously taught at Indiana University.*

NEXT IN EDUCATION REFORM?

Having asked elementary and secondary schools to become more accountable in return for federal funding, Republicans in Congress could next turn their attention to colleges. For example, "with tuition and fees rising at two to three times the inflation rate for some 20 years now, it's time for someone to ask what's going on," suggests House education chairman John Boehner.

Then there are questions of free speech, political balance, curricular quality, and so forth. You can be sure that college presidents, who love their multi-billions of federal funding, are blanching at the idea of any outside oversight aiming to make campuses more efficient, fair, and responsive to students' families.

NOT SO SIMPLE

A note to liberals who used the Trent Lott episode to sling racial recriminations: While recent census results show that racial segregation has declined in almost every corner of the nation, it is in liberal Northern cities that segregation is proving most stubborn. According to a new census report entitled "Racial and Ethnic Residential Segregation in the United States: 1980-2000," the top ten most segregated metro areas in 2000 are, in order, Milwaukee, Detroit, Cleveland, St. Louis, Newark, Cincinnati, Buffalo, New York, Chicago, and Philadelphia.

Note that not one of these cities is in the South. All of them were carried by Al Gore in the 2000 election, and seven are in states that he carried. Two of the most segregated cities in the country are in the backyard of Hillary Clinton, one of the most self-righteous critics of Lott. By contrast, the five least segregated places in the country are Orange County, San Jose, Norfolk, Tampa, and San Diego—pretty strong GOP country.

Anti-black racism is probably still a factor in residential segregation. But much less than ever before. Polls show that hardly any whites now object to having a black neighbor of the same social class.

There are numerous reasons why segregation is more widespread in the Northeast. One explanation is that self-segregation now appeals to growing segments of educated blacks and Hispanics, many of whom have abandoned integration in favor of promoting racial pride and "community empowerment." This is manifested in places like Maryland's Prince George's County, where affluent blacks voted to re-segregate the county's schools three years ago. Likewise, the annual convention of the National Association for the Advancement of Colored People has recently been racked by debate over whether to drop the organization's official commitment to integration.

Harvard sociologist Orlando Patterson suggests that the old doctrine of "separate and equal, as long as it is truly

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equal," is gaining new favor among black activists. Black and Hispanic politicians contribute to this mindset, because each segregated community provides discrete voting blocs on whose doorstep pandering politicians can plop race-specific pork like community centers, ethnic pride parades, Spanish-language services, and the like. The use of racial gerrymandering to ensure the election of minority candidates has given black and Hispanic elected officials a vested interest in continued segregation.

The high cost of housing also feeds racial segregation. In New York City, rent control plays a major role by artificially inflating rents via reductions in the number of residential units developers build. The enormous tracts of public housing in Northern cities also tend to segregate minorities from other residents.

So not only does it turn out that the Northeast remains the most segregated region in the country—it is blacks and liberals who are fighting for the policies that keep it that way.

—**Seth Forman** *is assistant director of the Center for Regional Policy Studies at Stony Brook University on Long Island.*

TRUTH ABOUT TAXES

We took a little allegory e-mailed to us and updated it with current IRS data:

Let's put tax cuts in terms everyone can understand. Suppose that every day, ten men go out for dinner. Each bill for all ten comes to $100. If they paid their bills the way we pay our taxes (the figures below reflect actual IRS payments by U.S. taxpayers), it would go approximately like this:

- The first four men—the poorest—would pay nothing
- The fifth would pay $1
- The sixth would pay $3
- The seventh $6
- The eighth $9
- The ninth $14
- The tenth man—the richest—would pay $67.

Assume the ten men ate dinner in the restaurant every day under this arrangement. Then one day the proprieter said: "To increase business I'm going to reduce the cost of daily meals by 10 percent." The first four men were unaffected—they would still eat for free as they always had. But what about the other six, the paying customers? How could they divvy up the $10 reduction so that everyone would get his "fair share"?

Ten dollars divided by six is $1.67. But if they subtracted that amount from everybody's share, then the fifth man would end up being *paid* to eat. So the proprietor suggested it would be fair to reduce each man's bill instead by the same *proportion* (rounding down to the nearest dollar), and he proceeded to work out the new payments.

The fifth man joined the first four in paying nothing. The sixth man now pitched in $2, the seventh paid $5, the eighth paid $8, the ninth paid $12, leaving the tenth man with a bill of $60 instead of his earlier $67. Each of the six was better off than before. And half of them got to eat for free.

But once outside the restaurant, the men began to compare their savings. "I got a dollar out of the ten buck reduction" declared the sixth man, "but Mr. Big got $7!"

"Yeah," exclaimed the fifth and seventh men. "We also only saved a dollar. It's unfair that he got seven times more than us! The wealthy get all the breaks!"

"Wait a minute," yelled the first four men in unison. "We didn't get anything at all. This system exploits the poor!"

The nine men surrounded the tenth and beat him up.

The next night the top earner didn't show up for dinner, so the nine sat down and ate without him. But when it came time to pay the bill, they discovered something important. They were $60 short!

And that is exactly how our current tax system works. Yes, the people who pay the highest taxes get the most benefit from any tax reduction. They are also the ones doing nearly all the lifting. Press them too hard, tax them for being successful, and they just may not show up at the table anymore.

GO AHEAD, CUT AWAY

Critics are saying that President Bush's tax cut proposal is misguided. It will lead, they say, to bigger deficits—which in turn will raise interest rates.

But the economic record is clear: Larger budget deficits do not, by themselves, raise interest rates. Perhaps the closest analogy to where we stand now is 1981. The Reagan administration had passed big tax cuts equal to nearly 2 percent of GDP, while simultaneously increasing military outlays, and over the next five years the federal budget deficit rose from 2.5 percent of GDP to 5.3 percent. Yet long-term interest rates tumbled during that same period—from nearly 14 percent to 7 percent.

The truth is, tax cuts that bring deficit increases equal to 1 or 2 percent of GDP have no discernible impact on interest rates, because U.S. bond markets are huge. The sum of government, corpor-

RARE LAMB VS. OVERDONE LAWS

The outrageous labor laws that Germany's unions have imposed on the country have struck again. The town of Recklinghausen (near Cologne) operates a zoo. When the zookeeper was caught barbecuing and eating seven of his animals (five Tibetan mountain chickens and two sheep from Cameroon), the town fathers summarily fired him. But a labor court subsequently ruled that this was illegal. The town was forced to pay the zookeeper six months' severance, in compliance with German regulations covering even the most well-deserved job terminations.

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ate, municipal, and money market debt is more that $18 trillion; and that is only the U.S. portion of a massive global debt market. The notion that federal tax cuts which add $100-$200 billion to this stock of debt will push up interest rates is truly far-fetched.

The Bush administration's proposal that the federal government borrow an additional $100 billion to invest in lower tax rates which will bring a better functioning economy is a move in the right direction. A year from now, the President's tax cut proposals could even be seen as too little, especially if Congress delays passage or fails to make the cuts retroactive to January 1 of this year. Given today's weak business conditions, we will need *more* tax cuts, not fewer.

—*Economist* **John Makin** *in AEI's* Economic Outlook.

CONTRARY TO POPULAR IMPRESSION...

The American troops likeliest to fight and die in a war against Iraq are disproportionately white, not black, military statistics show.

While blacks make up 20 percent of the military—compared with 12 percent of the U.S. population—they make up a far smaller percentage of troops in combat on the front line. In high-risk slots, blacks constitute less than 5 percent of the force, statistics show. "If anybody should be complaining about battlefield deaths, it is poor, rural whites," says Charles Moskos, a military sociologist at Northwestern University in Illinois.

Blacks, especially in the enlisted ranks, tend to be drawn to non-combat fields such as unit administration and communications. They are under-represented in jobs shooting rifles or dropping bombs. Of the Army's 45,586 enlisted combat infantryman, fewer than 11 percent are black. Only 196 of the Army's 4,278 enlisted Green Berets—fewer than 5 percent—are black.

Black recruits have gravitated toward non-combat jobs that provide marketable skills for post-military careers, while white soldiers are over-represented in front-line combat forces.

—*Adapted from a story by* **Dave Moniz** *and* **Tom Squitieri** *in* USA TODAY *January 20, 2003.*

WHO'S EXTREME?

When he was running the Senate last year as majority leader, Tom Daschle actually pulled the energy bill from the Senate Energy Committee because a majority of the members were anxious to approve new oil drilling in Alaska. Better to thwart democracy than let President Bush win, went the logic. In an attempt to get a grossly overdue energy bill compromise through the Senate, House leaders then offered to place an additional 10 million acres of Alaska's north slope off limits as permanent wilderness area. All that the Democrats had to do was allow oil exploration in 2,000 acres that show great promise as a source of domestic oil and gas. These 2,000 acres are both utterly barren and entirely contained within an area previously designated by Congress as a possible drilling area. The millions of acres offered in swap, by contrast, actually harbor plants, animals, and scenic views.

Daschle and company refused the deal. As of this writing, lockstep Senate Democrats and a few green Republicans still won't consider any compromise. Meanwhile gas prices approach $2 per gallon, and the U.S. economy is choking as energy prices head into the danger zone.

LIFE ISN'T DEAD

Just after the election of 2002, Utah Republican senator Orrin Hatch told me he was confident abortion and cloning would *not* be on top of the 108th Congress's agenda. Oh, how times change.

The Bush White House, from the State of the Union address onward, has made clear that abortion and cloning are issues it will press this year. Presidential adviser Karl Rove recently told reporters that both issues are among the administration's "immediate tasks at hand."

A new focus on medical and human-life issues was also suggested by heart surgeon Bill Frist's recent ascension to leadership of the Senate.

And around New Year's, the Clonaid cult claimed to have created the first human clone, with more on the way, pushing that nettlesome issue onto the docket of the new Congress.

The "life" issues are also coming up heavily in judicial nominations. Abortion-rights groups have been seeking ironclad promises that Democratic senators will filibuster any Supreme Court nominees who don't clearly favor legal abortion.

A ban on partial-birth abortion is almost certainly on the agenda for this year. As Rove told reporters: "I think people on all sides of the issue can find common ground in things like outlawing late-term abortions, particularly partial-birth abortions; involving parents in the decisions of teenage daughters; helping find and fund alternatives to abortions such as better adoption services."

Even some pro-abortion politicians have previously come out in favor of a prohibition on partial-birth abortions (which Democratic former New York Senator Daniel Patrick Moynihan labeled "perilously close to infanticide"). Recent news from the Alan Guttmacher Institute that these types of abortions are performed more often than originally reported makes a ban even more likely.

—**Kathryn Jean Lopez** *is editor of* National Review Online.

THEIR BERETS ARE VERY NICE TOO

Q: How can you identify French military rifles among the listings on e-Bay?
A: They've never been fired. Were, however, dropped once.

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By Karl Zinsmeister and Eli Lehrer

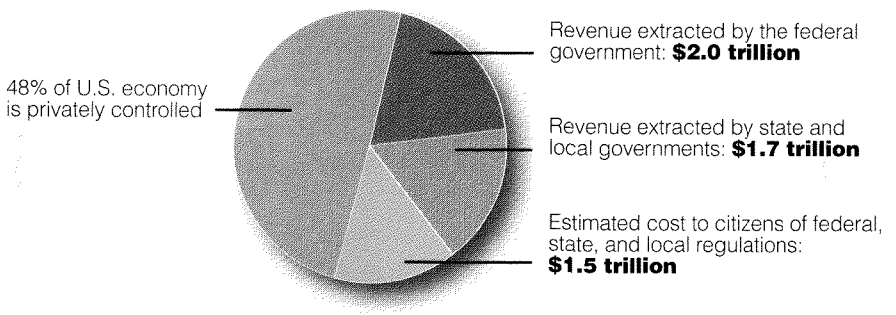
Indicators

CAN GOVERNMENT BE CUT?

Amidst debate over President Bush's tax cuts and his proposal to keep the increase in federal spending to 4 percent this year, elements in Congress are howling that the government is headed for a starvation diet.

Actual data, however, show that government revenue has just exceeded its post-World War II high. Federal taxes alone reached 20.8 percent of Gross Domestic Product in 2000—their highest rate in more than 50 years, and well above the post-war average of around 18 percent.

Between direct federal, state, and local taxes, plus indirect regulatory costs, government now eats up literally a majority of our national output.

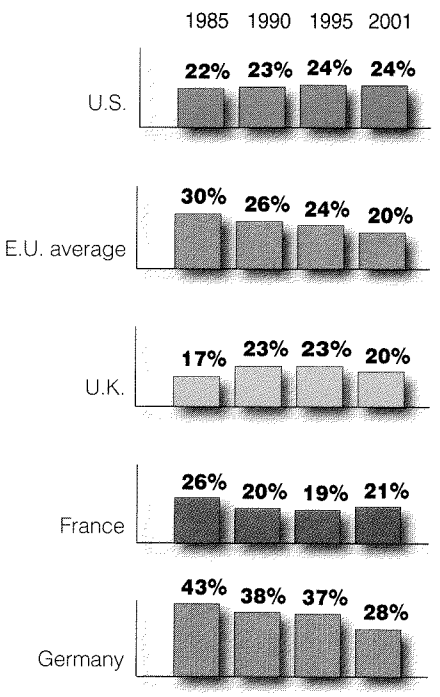


2000 U.S. Gross Domestic Product = **$10.0 trillion**

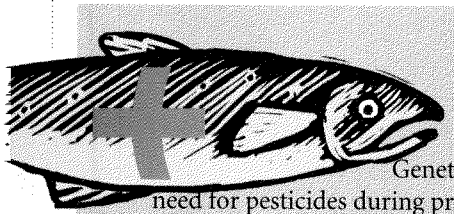
Sources: Office of Management and Budget; U.S. Bureau of the Census. Figures are for fiscal year 2000.

OUT-TAXING THE EUROPEANS

While levies on corporations have crept up in the U.S. over the last two decades, the Europeans have actually been trimming corporate income taxes. The result: Income taxes on businesses are now actually more onerous here than in much of the European Union.



Source: Eric Engen and Kevin Hassett, *Tax Notes*, January 2003.

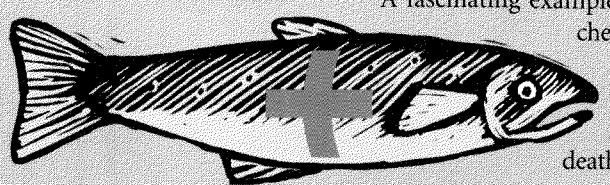


The DATA BIT

GENETICALLY MODIFIED FOOD SAVES LIVES

Genetically modified (G.M.) foods promise many benefits to humanity: greater nutrition, reduced need for pesticides during production, lower consumer costs, and so forth.

A fascinating example is salmon which has been genetically modified to be hardier and cheaper to grow. AEI economist Randall Lutter recently determined that by making fish 15 percent less costly, G.M. salmon would increase consumption of healthy Omega-3 fatty acids and save thousands of lives every year from heart disease. He calculates that the number of deaths averted by the introduction of G.M. salmon would range from 570 to 2,632 annually, with his middle estimate being 1,400 saved lives.



Source: Randall Lutter and Katherine Tucker, *AgBioForum*, January 31, 2003.

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Forward Observer

James Glassman

Show Stockholders the Money!

In the wake of last year's corporate scandals, politicians tried to boost the confidence of investors by improving the so-called Generally Accepted Accounting Principles (GAAP) that public companies use to report their earnings to the Securities and Exchange Commission. They have taken a dangerously misguided approach.

As my AEI colleague Peter Wallison wrote recently, the problem with current earnings statements isn't their accuracy but their *adequacy*: "GAAP financial statements, even when competently audited, do not, by themselves, furnish …reliable information to investors."

There is, however, an alternative to GAAP: It is called cash. If you run your own business, what do you truly care about? The money that comes in the door and the money that goes out the door. That movement of money is called "cash flow," and it is the classic method of figuring what an asset is worth. The value of any business is determined by the cash it will generate over its future life. Cash flow, rather than audited earnings, ought to determine value. As a saying that goes back to at least 1890 puts it, "Earnings are an opinion; cash flow is a fact."

So it's troubling that the main legislative response to the scandals (the Sarbanes-Oxley law), plus new SEC measures, have concentrated on earnings—adding new rules, plugging loopholes, and forcing both auditors and corporate managers to swear up and down that the numbers are right. Instead, regulators should remind investors that earnings are only one—often misleading—way to describe the health of a business.

Take Enron. If you'd had a chance to look at its *cash* statements, you might have suspected something was fishy long before 2001. Between 1998 and 2000, Enron suffered an outflow of $4 billion in cash—while claiming double-digit earnings growth.

Or consider WorldCom. In a recent paper, financial consultant Richard Bassett noted that on the day before WorldCom revealed it had overstated GAAP earnings by $3.9 billion, its stock sold for just 83 cents—down from $75 in 1999. Investors had already reacted to WorldCom's dreadful cash flow, ignoring its rosy earnings reports.

The quick-and-dirty way to calculate a company's cash flow is to begin with its earnings and make adjustments. For example, add back things like depreciation that aren't cash, and subtract from revenues items that don't put money in the bank (like increases in accounts receivable). Most of this work is done for you in the "operations" portion of the "statement of cash flows" that public companies report regularly.

Of course companies need to use some of the cash they produce to make long-term investments in their business. Those capital expenditures are found under "investments" in the cash flow statement. Subtract them from the operations cash flow and you'll have a good picture of the amount of free cash that the firm has generated—money that can go to pay dividends, or buy back shares of the firm's stock, or be held on behalf of the shareholders.

Cash isn't everything—it's also important to examine earnings statements and balance sheets as well to get a three-dimensional picture of a business. But cash tells you more than anything else—which is why President Bush's proposal to end the double taxation of dividends will increase investor confidence more than any change in GAAP.

Dividends are the single best indicator of a firm's financial health—and simple to understand. A company that has paid (or, better, increased) its dividend for many years is a solid company in a good business. "The financial statements prepared under GAAP," Wallison notes, "are inherently subject to manipulation." But you can't fake dividends.

What should policymakers do? Rescinding Sarbanes-Oxley and starting over would be best, but that's not going to happen. Instead, the new chairman of the SEC should use the bully pulpit to tell investors that cash is at least as important as GAAP earnings. In short, shareholders should be saying to corporate managers, "Show me the money!"

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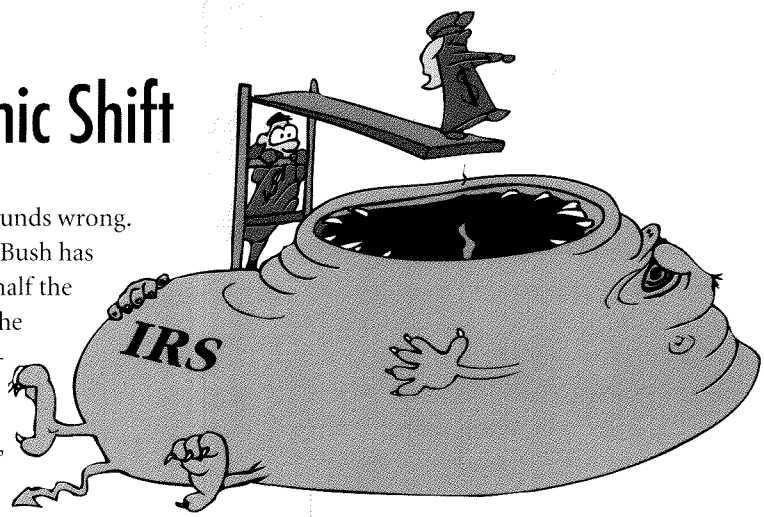
Grover Norquist

Democrats Miss an Economic Shift



Economists believe that President Bush's proposed elimination of taxes on dividends will increase stock prices somewhere between 8 and 20 percent. In short, it's good economics. But the proposal is also a political tsunami that will change the politics of the next decade and further solidify the GOP's grip on power.

Before he announced his budget on January 7, the chattering classes predicted that Bush might trim Social Security taxes to help low income workers, accelerate tax rate reductions only for lower income Americans, or trim dividend taxes. But Bush avoided nods to class warfare, and he didn't call for *reducing* the double taxation of dividends, he said we should *abolish* it. This was a smarter political move: Abolition is a stand on principle, cutting a tax is tinkering.

Consider this: Repeated efforts to cut the death (or estate) tax have only been successful temporarily. Each time, rates crept up again. But when Congressman Chris Cox argued that income the government had already taxed should not be taxed again, this became a matter of principle rather than special pleading. Legislation to abolish the death tax completely passed Congress in 1999 and in 2000, only to fall to Bill Clinton's veto each time. In 2001, however, President Bush signed legislation phasing out the tax.

Another milestone in the battle came when opponents stopped calling this levy the "estate" tax—which sounds like something that only concerns fox hunters—and gave it the accurate and fatal renaming of "death" tax. A tax that kicks in at death sounds wrong.

Likewise, Bush has already won half the debate when he calls for "ending the double taxation of dividends." Americans will not long tolerate the "double taxation" of anything. It sounds—and is—wrong.

What's most important is that Bush has proposed the first tax cut aimed directly at the new investor class. When Reagan was elected President, 20 percent of Americans owned stock directly. Today, more than half of all adults do—not to mention 70 percent of those who voted on November 5, 2002.

Democrats fell right into Bush's trap. In a phrase that will resonate for decades, Senate minority leader Thomas Daschle said the dividend tax cut was for the "wrong people." If you are planning to win elections that require 51 percent of the vote, it is best not to describe 70 percent of voters as "the wrong people."

Democrats who talk like Daschle remind voters that their ideas are so old they think only fatcats named Kennedy and Rockefeller own stock. The Democrats missed the greatest economic/demographic shift in modern America: the growing number of middle class families who own stock in the economy.

President Bush's proposal to abolish the double taxation of dividends carries many political bonuses. Any $300 billion tax cut will unite all members of the conservative coalition, whatever its exact dimensions. The proposal also pecks away at the Democratic coalition: Nearly every thousand-dollar donor to the DNC receives dividends from stocks.

Every day that taxpayers see Republicans trying to revive the value of the stock market while Democrats stand in the way, earns the GOP loyalty from the growing investor class.

And every day that taxpayers see Republicans trying to revive the value of the stock market while Democrats stand in the way, earns the GOP loyalty from the growing investor class. The longer this fight goes on, the worse it will be for Democrats.

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"Live with TAE

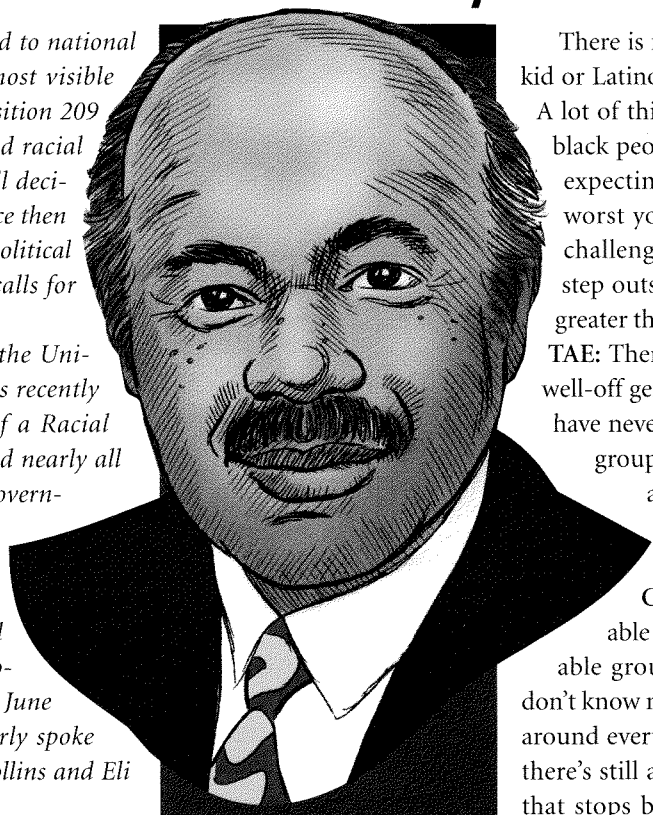
He is America's most ardent proponent of colorblindness, a successful grassroots political leader, and a bold thinker on questions of race, education, and government policy.

Ward Connerly

Californian Ward Connerly vaulted to national prominence in the 1990s as the most visible and articulate leader of the Proposition 209 campaign, which in 1997 outlawed racial discrimination or preferences in all decisions by the state of California. Since then he has continued to shake up the political establishment with his adamant calls for colorblindness in public policy.

A businessman and regent of the University of California, Connerly has recently turned his attention to passage of a Racial Privacy Initiative, which would end nearly all use of racial classifications by the government. He views this as the next step toward his dream of a society where skin color is truly irrelevant.

TAE *ran a long, illustrated extract from Ward Connerly's autobiography,* Creating Equal, *in our June 2000 issue. This February, Connerly spoke with* TAE *senior editors Karina Rollins and Eli Lehrer in Arlington, Virginia.*



There is no obstacle in the way of any black or Latino kid today that is insurmountable.

TAE: What are the biggest problems facing young black Americans today?

CONNERLY: The problems that face black Americans are really no different from the threats that face all young Americans. I would sum them up this way: How do we preserve a culture in which every American citizen is treated as an equal without regard to his race or color?

TAE: Is it easier to be a white person in America than a black person?

CONNERLY: Maybe, but that really should not be important. It certainly is a lot easier for a black person growing up today than it was 40 years ago. But that didn't stop blacks 40 years ago from overcoming their problems. And they didn't do it alone; the nation grew with them.

There is no obstacle in the way of any black kid or Latino kid today that is insurmountable. A lot of things that we present as barriers for black people are barriers that are created by expecting the worst. When you expect the worst you get it. So I don't think that the challenges facing black people once they step outside the prism of blackness are any greater than they are for anybody else.

TAE: There now exists a sizeable, reasonably well-off generation of African Americans who have never faced legal discrimination. Is this group eventually going to conclude that affirmative action is no longer needed, and how soon do you think that might happen?

CONNERLY: There is indeed a sizeable black middle class, and also a sizeable group of very wealthy blacks that we don't know much about—people who are flying around every day in their own private jets. But there's still an element of political correctness that stops black Americans from making the next jump and saying, "We don't need affirmative action." That won't happen until the cultural and political waters are warmer for them to say that.

Today's successful blacks have taken advantage of opportunities that were there. They were prepared, worked hard, and made it. But it's not yet fashionable among blacks to say that. If you do, the wrath of the "professional" blacks—people for whom being black is their profession—will come down on you. If you're the CEO of a big company, you don't want Jesse Jackson and the Congressional Black Caucus ragging on you every day. So you just roll over—and let the Connerlys of the world do the dirty work.

TAE: So what do you think a modern civil rights movement should focus on?

Illustration by Sam Torode

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CONNERLY: A modern civil rights movement should focus on making sure that every American understands that civil rights are not just for black people. They're for everybody. I think it's time for the conservative movement to conduct a friendly, or perhaps a hostile, takeover of the civil rights movement. We're at the point right now where the most productive leadership on civil rights is already being led by conservatives.

The next step, I think, is to articulate the absolute importance of deregulating race. Getting it out of the equation. Getting to the point where you no longer have to ask me about black people.

TAE: Tell us about the Racial Privacy Initiative.

CONNERLY: The Racial Privacy Initiative is aimed at breathing life into what I think is at the core of America—taking people from all around the globe who come here, and saying to them: Once you are fully here, you're just an American citizen, no more, no less. You have the same expectations, same privileges, same benefits as any other American citizen. You're not a black American citizen. You're not Irish. You're just an American. In the privacy of your own life you can celebrate anything you want to celebrate. But the government will not be a party to that. The government doesn't give a damn about whether you are black or white or whatever.

TAE: How hopeful are you that that is going to happen? It seems like racial identity politics has become very entrenched.

CONNERLY: Let's step back for a moment. Just a short nine years ago, I was sitting in a meeting in San Francisco and I said, "I think affirmative action has become a system of preferences and quotas; we need to be very careful about it." There was deathly silence in the room. To even *think* of challenging affirmative action was the unthinkable. Now affirmative action is on the ropes.

When the Supreme Court rules this June in the University of Michigan case, the whole issue of race preferences will hang in the balance. If the Court goes the route that I suggest in the brief I've filed, it will deal not only with racial preferences, but also with the racial classifications that underlie preferences. You cannot argue in favor of diversity without having some system in mind of who it is that you want to elevate under this diversity.

A modern civil rights movement should focus on making sure that every American understands that civil rights are not just for black people. They're for everybody.

I think we're very close to the highest court in the land saying "racial classifications are suspect." Who's black? How many black ancestors do you have to have in order to be black? You get rid of that, and you eliminate a lot of social problems.

TAE: Are public schools leaving black youths ill-prepared for competitive colleges? Isn't this one of the main factors creating the pressure for admission quotas by race?

CONNERLY: Yeah, I think that public schools are a large part of the problem. But you cannot dismiss the role of the family. Public schools provide lesson plans and homework assignments, and babysit the kids during the day. When kids get home it's the parents who make sure that they're learning. Before children have their first day in school they need to know their ABCs, and they need to be disciplined. In all too many black families, they have not been taught how to speak proper English. And therein lies the basic problem. A kid who comes to school speaking little proper English is severely handicapped.

For many black kids all they've heard every day is "Boy, don't do that or I'll slap you upside your head." They are taught that learning is a white man's game.

Many of the black kids we are worried about are low income kids; kids without parents who understand the importance of getting them prepared. These are not problems of their skin color, and the minute we say they're black that just translates into a whole different approach to how we deal with the problem. We think they're being discriminated against yadda, yadda, yadda, and we never get to the real core of the problem, which is that the kid is in a dysfunctional family setting where race isn't the real problem.

TAE: Are there any leaders out there, of any color, who you think are doing a good job of sending this sort of message?

CONNERLY: No. There are none in politics. We have more cowards per capita in our political system today than we have had at any point in my lifetime. Those of us on the conservative side of the aisle who talk about school vouchers and the like don't get to the next step and talk about the family.

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TAE: Are there any church leaders that send the right message?

CONNERLY: Black churches are now irrelevant institutions. Most have been commandeered by leftists—political activists, who hide behind the cloth rather than really getting involved in the lives of their parishioners and trying to improve them. I've had more grief from black ministers, who are often politicians more than people who provide spiritual leadership and guide their flock.

TAE: Would you ever run for office?

CONNERLY: No. I think it corrupts you. Not in a financial way, but in a moral way. You become so obsessed with winning. Once you've won you want to maintain power. Someone needs to run, and somebody else needs to stand on the sideline and hold him accountable. The course I've chosen is to maintain that vigil, to remind elected officials of what they ought to do.

TAE: How would you describe your politics?

CONNERLY: I am, on most things, right of center. But I think my politics grab a lot of people because they are conservative for the most part, libertarian at the core, and on some issues moderate of tone. I detest labels and generally don't fit neatly under just one. Although, I proudly say that I'm conservative because that's generally where I fall.

TAE: How would you evaluate President Bush's record on race?

CONNERLY: On race I'd give him a D- until the University of Michigan case. His statements on that issue brought him up to a C. He's scared to death of racial issues. For no reason. There has never been a Republican President who commands more good will from people across the board than George W. Bush. He is superman when it comes to deflecting attacks of being a racist. The guy just exudes the sentiment, "In my heart, I love everybody and I'm everybody's President."

On the Michigan case, 80 percent of Americans support the position he's taken. So I think that if he stops making these political calculations about how this position's going to play out here, and how it's going to play out there, and just follows his instincts to what he knows in his heart is right, he could hit a home run.

TAE: Is this timidity you see in Bush the same reason why black Republicans like J. C. Watts and Colin Powell don't come out against preferences?

CONNERLY: Yes. Colin Powell, if you read his book, is very strongly opposed to preferences. When he was flirting with running for President and he wanted to appeal to a larger audience, he said, "I'm opposed to preferences, if it means treating people differently."

Then, after he decided not to run, he took the easy way out, because support for preferences is what corporate America wants to hear; the fuzziness of diversity and all that mindless blather. When you're on a speaking tour and giving $80,000-a-pop speeches you don't want to be a source of controversy, do you? So I think that Colin Powell is enjoying the route of least resistance.

As far as J. C. Watts goes, J. C. is close to John Lewis and didn't want the Congressional Black Causcus to oppose him. When I met with J. C. he said "of course preferences are morally wrong." But then he manufactured all of these excuses about having been racially profiled himself and everything else, to exonerate himself from doing that which is morally right. So he also took the path of least resistance.

TAE: When do you think we'll have our first black President?

CONNERLY: The conditions are already there. It's a question of whether somebody is willing to go out and put forth the effort to bring it about. The American people are ready to accept a black President.

TAE: Will the first black President be a Democrat or a Republican?

CONNERLY: A Republican. There's an institutional problem for a black Democrat. First of all, a black Democrat is going to have to be blessed by the Democratic Party, and the message a black person would have to send to win the Democratic endorsement would be one of supporting the agenda articulated by the Congressional Black Caucus. That can't win nationally. A Republican would be free from race, and would be able to say, "I'm running as an American. I want all of your votes, and if I'm elected I'm gonna be a President for all America."

If I ran for governor of California, I'd win. I'm not cocky, I'm just telling you I know my state, I know the politics, I've seen the polls. And no matter how much I'm despised by blacks in California and those of Mexican descent

You cannot dismiss the role of the family in education. Schools assign homework and babysit the kids during the day. When kids get home it's up to the parents to make sure they're learning.

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(because they are now pursuing the same path as the blacks of the '70s and '80s), no matter how much I'm despised by them and hung in effigy on campuses, I'd win.

TAE: From where would your largest support come?

CONNERLY: I'd get 70 percent of whites. I would get 50 percent of Asians, or more. I would get 30 to 40 percent of blacks. And it wouldn't even be close. It would happen.

TAE: What do you think about Al Sharpton's Presidential candidacy? Is that going to matter, or is it going to be irrelevant?

CONNERLY: I think it matters. I think that certainly he won't get more than a token amount of support, but Sharpton is not the buffoon that people think. Sharpton is a far better politician than Jesse Jackson. Sharpton is personally charming. The media will like him because off-camera he has a humor and a charm that Jesse Jackson doesn't have. Jackson you don't like, he's preachy. He is really rather crude. Sharpton's underrated.

TAE: Could he do any real damage?

CONNERLY: No. People will not take him seriously. He has no credibility in that respect. He will draw votes from the Democrats. People will see the hypocrisy of his message.

I was on a debate with him on TV, and Wolf Blitzer of CNN puts up on the screen the number of points that black kids get in college admissions simply for their skin color, and Blitzer asks Sharpton, "Don't you think that's discrimination?" Well, Sharpton says, "No, no…we need diversity and whites have never had the oppression that blacks have had." And I said "Mr. Sharpton, I'm outraged that you have no sense of shame about this."

TAE: After your enormous success with Proposition 209 in California, the effort to ban racial preferences seemed to fizzle in a lot of the country. Why do you think this happened?

CONNERLY: It didn't fizzle. The press portrays it as fizzling, but we just took a different tack. It was never our intent to go state by state into all of the 23 states that have initiative provisions in their constitutions. It was our intention to change the paradigm, and to change how people saw affirmative action. It was our objective to tell the truth about affirmative action and to get people to understand that it is a system of race preferences. We wanted the language to change —from "affirmative action," which sounds very positive, to "preferences," which sounds negative. And pick up just about any newspaper in the nation right now and you see the term "race preferences." We have strategically picked places to wage a fight, never losing sight of the fact that our mission is to change the way the country thinks. So we're very much on track with what we're trying to do.

Black churches are now irrelevant institutions. Most have been commandeered by leftists—political activists, who hide behind the cloth rather than trying to improve the lives of their parishioners.

TAE: What do you think of other types of preferences in college admissions, like those granted to athletes, musicians, or children of alumni—preferences not based on race.

CONNERLY: Athletic ability is a talent. Musical ability is a talent. Being the child of an alum, that's not a talent. So I think those of us who say "the system ought to be based on merit" now need to take the leadership and say that "alumni offspring admissions need to go." That gives us the moral standing to be true to ourselves and to be true to the public.

TAE: Do you consider yourself black?

CONNERLY: It is a testimony to my endurance that I've sat through this interview, with nearly every question being about color, and I'm still civil at the end of it. My origin is of African descent, Choctaw Indian, French, and Irish. Two of my grandkids are all of that plus their grandmother, who is Irish, and their father, who is of German descent. And two other grandkids are all of those ingredients plus their mother, who is half Vietnamese.

So you see, for me, checking these racial-identification boxes is rather personal. I don't like it. I don't buy into it. I say I'm black for the sake of not spending the whole interview quarreling about classification. But I don't like it. I'm brown in color. What is black? It's a term we use because we're lazy. It's easier to put somebody into a box and use that as a shortcut for something. But it's not useful.

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Don't Do Me Any Favors

A black case against race preferences

With the U.S. Supreme Court about to decide whether racial preferences are Constitutional, *TAE* presents some intellectual background on this critical case—with contributions from John McWhorter, Jim Sleeper, Deroy Murdock, Ken Lee, and Lino Graglia.

By John McWhorter

I am an African-American linguistics professor at the University of California at Berkeley, and students often come by my office for mentoring. One such student, a Chinese American, had heard that I'd been on the radio discussing affirmative action. "How do you feel about it?" she asked. "Well," I said, "I think in universities it's obsolete." "Aren't you in favor of diversity?" was her immediate response, as it is for most students exposed to the issue largely through the college newspaper's editorial page and angry speeches by student activists.

"Diversity" only made its way into the affirmative action debate a few decades ago, and through the back door at that. It started with one man. In 1973 and again in 1974, Allan Bakke was denied admission to the University of California at Davis's medical school despite an A- grade-point average and an MCAT score within the top tenth of the nation. Given that black students were regularly admitted with GPAs in the C range and MCATs in the bottom third, Bakke charged the university with discrimination.

In the Supreme Court decision in 1978, Justice Lewis Powell concurred with four other justices that quota systems like Davis's were un-Constitutional. He submitted however that it was nonetheless appropriate for schools to base admissions decisions on a quest for a "diverse student body."

This argument seems innocent enough on its face, but universities quickly seized it as a cover for admitting black students with significantly lower qualifications than white or Asian students. Ever since, university administrators have disguised their two-tier admissions policies by hiding behind "diversity."

Lately, courts have begun calling these policies un-Constitutional distortions of the Bakke decision, with judgments entered recently against the University of Texas, the University of Georgia, and the University of Michigan Law School. I dearly hope that the Supreme Court will invalidate Powell's "diversity" opinion once and for all. Yes, I am in favor of "diversity"—among equals. The Bakke decision has taught a generation of young Americans that black students are more important for their presence in pictures in promotional brochures than for their scholastic qualifications. Ultimately, this per-

John McWhorter has previously written for TAE *on competition and race, and on slavery reparations. This piece is adapted from his new book* Authentically Black *(Gotham Books)*

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petuates the very underperformance that has made the "diversity" fig leaf necessary.

White guilt is a dangerous and addictive drug. For nearly three decades the Bakke decision has supported education administrators in this habit. The ideas these people have promoted are untruthful, destructive, and antithetical to both black excellence and racial harmony. And they are racist.

The very term "diversity" is a crafty evasion. Mormons, paraplegics, and poor whites exert little pull on the heartstrings of admissions committees supposedly committed to making college campuses "look like America." In the late 1960s, college administrators assumed that the low representation of blacks on campuses was due to discrimination. The good-thinking white chancellor saw the task ahead as one of door-opening, providing some remedial assistance where necessary. But efforts to bring qualified blacks to campuses ran up against the uncomfortably small number of such people in an America just past legalized segregation. For those who were admitted, professors proved unable to undo years of lacking basic learning skills.

Are black people the only ones in American history who cannot triumph over historical obstacles?

Meanwhile, a black separatist ideology had led to the idea that scholastic achievement was a "white" endeavor rather than a human one. Black kids started teasing other black kids who liked school for "acting white." This has become a central trope of black teen culture, and it continues to decrease the numbers of black students qualified for top schools.

The simple fact is that any group's rise from the bottom is not instantaneous but gradual. The "diversity" construction is a benevolently intended back-door strategy employed by guilty whites to hurry along the utopian vision of a multihued college, even if it requires rounding some corners. What the diversity crusade has done in practice is to spark brute quota systems and a reconception of the very purpose of higher education.

Many people are under the impression that the "diversity" imperative plays out simply as a light "thumb on the scale," choosing the brown-skinned candidate in cases where his qualifications are equal to a white one's. Hence they consider opposition to such harmless racial preferences "racist." It's an easy misunderstanding to fall into, as college administrators minimize their distortions of admissions procedures in their public statements.

But it was almost impossible to maintain this illusion in places like Rutgers University in the mid '80s, where I earned my bachelor's degree. Within my first year, it was painfully clear to me that the black students were by and large a rung below the white students in general preparation and performance. Certainly there were plenty of white slackers and excellent black students. But they were exceptions rather than the rule, and the overall white-black discrepancy stood out in sharp relief. Even as a teenager with little interest in politics or admissions procedures, I spontaneously perceived after just a few semesters that black students were admitted under some sort of numbers system.

The Rutgers top brass had long maintained that race was used as just "one of many factors," as the Bakke decision had counseled. But a few years after I graduated, a student working in the admissions office blew the whistle, revealing that black students were regularly gathered into a special pool and admitted with grade-point averages and standardized test scores significantly lower than those of other students. Nor was Rutgers unique. Similar revelations were made on campus after campus.

Before racial preferences were banned at the University of California at Berkeley in the mid '90s, its quota system had been obvious. A white man who worked as a remedial tutor confided in me that he had worked with so many minority students hopelessly unprepared for work at the college level that he had found himself questioning the wisdom of racial preference policies despite his leftist politics. I have heard similar testimonials from professors across the country.

In *America in Black and White*, Stephan and Abigail Thernstrom note that black Berkeley students who enrolled in 1988 had an average SAT score below 1,000; the white average was over 1,300. The highest quarter of black SAT scores in this class clustered at the bottom quarter of the entire student body. Comparable gaps in SAT scores exist between black and white entrants at Princeton (150 points), Stanford (171), Dartmouth (218), and Rice (271).

Graduation rates reflect these gulfs in preparation. The Thernstroms document that of the black students admitted to Berkeley in 1988, 41 percent did not graduate, compared to only 16 percent of whites. At 28 top universities, William Bowen and Derek Bok, authors of *The Shape of the River*, show, black students in the class of 1989 were about three times more likely to drop out than white students.

Some suppose that bending admissions rules for "diversity" fosters interracial fellowship on campuses. I myself tried to hold to this idea for years. But college campuses, in all of their "diversity," are now among the most racially balkanized settings in America.

Separate black fraternities and sororities thrive. Universities often host separate black graduation ceremonies. Classes in African American Studies often foster hatred of The White Man. At Stanford, where I earned my doctorate, I was a teaching assistant in a predominantly black class on Black English. The class discussion devolved so often into visceral dismissals of whites that one white student complained to the professor that he felt any opinions he ventured beyond genuflections to black victimhood were unwelcome. He was right.

There is a general atmosphere on campuses in which black students are tacitly taught that black "authenticity" means hunkering down behind a barricade glaring hatefully at the white

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Racial Groupthink is Un-American

By Jim Sleeper

"Don't you believe in diversity?" a mystified student at Harvard's Kennedy School asked me. I was criticizing the latest round of color-coded college training. My interlocutor was Asian, but his diction and dress suggested he'd spent his life in the United States.

I answered his question with a request: "In the spirit of 'diversity,' tell me three things you'd like me to assume about you, given that I know only that you're 'Asian.'" (I finger-signed "quote" marks around that last word.) "Let's say I'm an admissions officer, a professor, or a journalist who'll report our conversation to the world. What should I say about you?" The Asian student's only response was a smile.

Most students to whom I pose this question can't answer it—because they don't really value (or want others to value) their racial markings more than their basic American freedom to recast themselves in ways that may leave ethnic labels behind. In America, no one else can decide your ethnicity, wrote historian Robert Wiebe. Only you can do that, often only after long introspection, even if all your grandparents came from the same region. Growing up here changes what you know and feel about yourself and your ancestors.

Try telling Ward Connerly, the black leader of campaigns against racial preferences, what he is. A black student tried to do so last year after a Kennedy School debate between Connerly and law professor Christopher Edley, a defender of affirmative action. Since Connerly had noted that two of his grandparents had been part Irish, the black student told him, to appreciative laughter, "No one would ever say, 'I went to hear a debate between Chris Edley and that Irish guy."

Connerly replied, firmly but equably, "I insist on my moral right and duty, even amid racism, to live outside any box some people want to put me in." He drew sustained applause, even from those who'd laughed at him and now realized they couldn't deny his American freedom of self-definition without diminishing something in themselves. It was a powerful, if not revolutionary, moment.

These campus epiphanies reflect an almost chemical demographic and cultural mixing. Many Americans are generations removed from any irrevocable ethnicity. Passing through intermarriages, cross-racial friendships, religious conversions, and other mixings, many of us dream in idioms unimaginable to our forebears.

Students like those who challenged Connerly and me may experiment with racial identities in college. Struggling for self-definition on a campus that is their first home away from home, some will resort to ethnic flag waving to defend themselves against true intellectual and cultural diversity. Some will meet teachers and demagogues eager to rally them, and administrators eager to placate them. But the only ones still waving their flags of racial and ethnic differences a few years out of college will be the ones who have gone to work in the national "race industry" of diversity consultants, affirmative action officers, bureaucratic color-coders, foundation officers, and ethnocentric activists. That's an industry that depends on inflating bad racial news and discounting the good.

Some ethnic flag wavers are fighting real racism. Too many are hiding from the large challenge and scary freedom of nurturing a broad American civic identity. What Connerly and I both told our Harvard audiences was that you can't fight injustice by corralling people into racial groupthink. Ethnic identities needn't disappear, but they shouldn't serve as organizing principles of campus or public life. If official color-coding replaces individual responsibility, the result will be warring camps "of color." This country will rise or fall on our capacity to prove that there are richer, deeper ways than racial ones for Americans to distinguish themselves.

Adapted from the new edition of Jim Sleeper's book Liberal Racism.

"hegemony." Black students typically cluster in their own section of the dining hall, throw their own parties, live in separate dorms, and are generally ushered into a separatist ideology most did not subscribe to before they came to college.

In John Bunzel's *Race Relations on Campus*, black Stanford students in the early 1990s report being expected to "talk black, dress black, think black, and certainly date black." During my graduate years there, black students disinclined to toe this line frequently ended up in heated debates with other black students who questioned their "blackness."

A black acquaintance once told me that any occasional racist experiences she had during her college years were dwarfed by the overriding hostility from black students scornful of her white friendships and activities. Tragically, many blacks now leave college less interested in interracial outreach than when they were freshmen.

Many of those so furiously committed to "diversity" are not interested in a colorblind America. Their goal is to keep the fires of reflexive black alienation burning. In her book *Why Are All the Blacks Sitting Together in the Cafeteria?* black psychologist Beverly Daniel Tatum cheers that this is due to black students' "anger and resentment" at the "systemic exclusion of black people from full participation in U.S. society." That claim is a bit tricky to accommodate with a black Secretary of State and national security adviser in Washington. But it's an effective way of building the separatist movement that Tatum and others prefer to interracial harmony.

Promoters of "diversity" prattle endlessly that "exposure" to other groups is a crucial component of a college education in a multiethnic America. Given that the origin of "diversity," the Bakke case, concerned medical school, it's not clear how being black would improve the discussions about surgical incisions and metabolic pathways.

On campuses where black students are let in under the bar, there reigns a deathless lie: that most black students come from disadvantaged circumstances. According to this view, even an average performance by a minority student is a miracle.

Yet at selective colleges, black students from inner-city schools are vanishingly rare. (In the late 1960s some universities experimented briefly with actually admitting such students. But even the administrators had to concede that these students lacked the necessary preparation for top universities, with

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social tumult and resentment being the main result.) In the last class admitted to Berkeley under the racial preference regime, more than 65 percent came from households earning at least $40,000 a year, while the parents of about 40 percent earned at least $60,000 a year. Of the black students admitted in 1989 to 28 selective universities surveyed by Bowen and Bok, only 14 percent came from homes earning $22,000 a year or less.

But white guilt finds ways to turn even firmly middle-class blacks into victims. In a tortured 1998 essay professor Ronald Dworkin argued that even middle-class black students should be admitted under the bar—because they embody a lesson for whites that the stereotypes of "poor blacks" are inappropriate. Would Dworkin care to have his own children admitted under a quota system in order to serve as museum exhibits for gentiles? And precisely what traits do middle-class black students display that are so unique and unexpected that white students must be exposed to them?

Even if significant numbers of black students at top schools did come from ghetto neighborhoods, just how would "learning about" their cultural traits be vital to white students' educational experience? In African-American Studies courses on those very same campuses, blacks are taught to decry stereotyping of poor blacks. Wouldn't a four-year tutorial in the vibrancy of ghetto life reinforce those very stereotypes?

A culture in which black students are denied the stimulus of high demands is, quite simply, a racist one.

Every college administrator knows that "diversity" is code for "at least 5 percent black faces with a goodly sprinkling of Latinos." They also know that this is only achievable through quota systems euphemized by artful terminology, chronic doubletalk, and outright lies. Nor do any of them miss the fact, as black students dutifully erupt in furious protest every second spring over manufactured instances of "racism," that in practice campus "diversity" means that black students are carefully taught that they are eternal victims in their own country.

But the most tragic result of racial preferences is their effect on their supposed beneficiaries. Extended disenfranchisement often leaves a group ill-equipped to compete at the highest level, even when the doors to success are wide open. These realities are not pretty. But what they mean is that a crucial component in a group's rise to the top is learning tricks to a new trade, as disadvantaged groups in America have done for centuries. There comes a point, during any previously reviled group's climb to the top, where that group can reach the same level as the ruling group only if the safety net is withdrawn. Sometimes a group must refashion its entire self-concept in order to move ahead.

Lowered standards are directly antithetical to these endeavors. A person can only hit the highest note when he has the incentive to do so: This is a fundamental tenet of economics and psychology alike. Black Americans are not exempt from this fact of the human condition.

My opposition to racial preferences is based on a purely logical conviction: They dumb black people down. The injustices that blacks have suf-

The Polite Bigotry of Pity

By Deroy Murdock

By giving every black-, brown-, and red-skinned applicant 20 points just for having the right complexion, the University of Michigan offers a pristine example of what President Bush has called "the soft bigotry of low expectations." The admissions officers do not practice the nasty, snarling bigotry born of hatred, but the polite, smiling bigotry born of pity.

An X in the box signifying that an applicant is black, Hispanic, or American Indian affords a dramatic boost over someone with white or yellow flesh. Alerting Ann Arbor to a perfect SAT score, by comparison, earns an applicant only 12 points.

This is academic racial profiling. And if—as civil rights activists scream until they swoon—it is wrong for cops to assume a black man is a criminal, why is it right for the University of Michigan to assume he needs special help simply for applying while black? How dare Michigan's administrators automatically conclude that minority applicants are disadvantaged and downtrodden?

Admissions officers should evaluate applicants as individuals, not as ethnic inputs. But they crudely regard whites as, *ipso facto*, privileged. Some whites have, indeed, spent their formative years floating in yacht basins. Others who have excelled, however, hail from chicken farms, trailer parks, and modest ranch homes. White and yellow students struggle with personal hardships, too.

And minority applicants can be honor students, varsity athletes, and student body presidents. The tough love of high expectations offers minority students more promise than does the bigotry of low expectations. Yes, it will be hard to change attitudes within the lamentably numerous minority communities where merit and achievement have surrendered to grievance and slipping standards. But it's not impossible.

As Chicago's Marva Collins Preparatory School demonstrates, kids who study Dostoevsky, Milton, and Shakespeare can go from the ghetto to greatness. As Manhattan philanthropist Dan Rose's Harlem Educational Activities Fund proves, fatherless seventh graders on federally subsidized lunches can be tutored and mentored all the way to national chess championships and colleges like Syracuse, Columbia, and Yale.

We must keep lifting the bar for minority students. Rather than patronize them, our political leaders should inspire these children to dream, strive, and succeed. To demand less of them than of their white counterparts is racism, no matter how elegantly decorated.

New York commentator Deroy Murdock is a columnist with the Scripps Howard News Service.

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The Supreme Court's Previous Dodge

By Kenneth Lee

In *Bakke v. Regents of the University of California*, four members of the U.S. Supreme Court held that colleges that receive federal funds could not consider race in admissions decisions. Four of their brethren argued that racial preferences *could be* used broadly, to remedy "societal discrimination." Justice Lewis Powell held the decisive ninth vote.

Indecisive and conflicted, Justice Powell opted for a politically palatable but practically unfeasible approach. Offering a paean to the virtues of diversity in higher education, he said that universities could consider race as one of many factors, like geographic or intellectual diversity. In short, Powell attempted to have it both ways by allowing schools to select by race but without the taint of racial quotas. His opinion, however, was based on the naive assumption that universities would consider race merely as a tie-breaker.

In reality, race plays an enormous role—as indicated by stark statistics on disparate admission rates. Race is not like any other "diversity" factor. When Berkeley's Boalt Law School had only one incoming black student a few years ago, it made national headlines. Would there have been similar media coverage if the incoming class had included only one student raised on a farm in the heartland? Or if the freshmen class at the University of Michigan had no Orthodox Jews? Or only two students who could play the cello?

The fact that Justice Powell's broad conception of diversity has become a code word for race is nowhere more apparent than at Harvard Law School. As made famous in movies like *The Paper Chase*, each first-year class at the law school is divided into several sections, with students in each section taking classes together with the same professors. In the spirit of diversity, Harvard uses computer algorithms to ensure that each of these class sections represents a cross section of the entire school. But Harvard's registrar does *not* consider any of the diversity factors mentioned in *Bakke*—such as the student's geographic origin, academic major, or socioeconomic background. Race, and to a lesser extent gender, are the only factors that constitute "diversity" at Harvard.

If diversity promotes "speculation, experiment, and creation" in the classroom as Justice Powell suggested in his opinion, then Harvard Law School should take factors like religion and family origin into account as much as race. An evangelical Christian student may have a unique viewpoint on First Amendment jurisprudence concerning the separation of church and state. A student from rural Kansas will likely have had different experiences than an affluent San Francisco native.

The Supreme Court can no longer hide behind the wishful thinking of *Bakke*. Too much empirical evidence has been amassed over the past quarter century demonstrating that "diversity" as practiced at universities means only race. At least five members of the current Supreme Court have expressed distaste for race-conscious policies. It remains to be seen whether they, unlike Justice Powell, will finally outlaw "benign" discrimination by skin color.

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fered in America in the past are obvious. But the fact remains: Students growing up in a system whose message is "You only have to do pretty well to get into a top school" will rarely drive themselves to the top. Enshrining "diversity" over true excellence condemns black students to mediocrity. This is the inevitable result of denying them, and their parents, high school teachers, and guidance counselors, the one thing that elicits the best in anyone—the path of individual perseverance. That's not "politics"; it's common sense.

Tragically, many blacks now leave college less interested in interracial outreach than when they were freshmen.

The claim that racial preferences are necessary to compensate for past horrors creates "tit for tat" applications of racial preferences that certainly won't solve this country's racial dilemma. It may make whites feel better, but it won't give black students the tools they need to truly excel. You can only learn to ride a bicycle by mastering the subtle muscular demands on your own. As long as the training wheels are on, you're not truly riding a bike. Birds learn to fly by being nudged out of the nest. People gain fluent command of a foreign language by living for an extended period in a setting where it is impossible to use their native language for any length of time. Black students will achieve their highest potential in school only by being required to do so.

Short of tough demands, top-rate black students will continue to constitute only a tiny coterie—with children of recent Caribbean and African immigrants heavily overrepresented. Asian students never had any illusion that there was a way to the top other than through hard work, which is why they have succeeded in such large numbers. A culture in which black students are denied the stimulus of high demands is, quite simply, a racist one. What are we to make of university administrators' apparent conviction that black people are the only ones in American history who cannot triumph over historical obstacles?

The truth is, after California voters eliminated racial preferences at state colleges in 1996, black admissions fell at only two campuses—UCLA and Berkeley. They rose at several of the other University of California campuses. This is evidence that blacks will eventually work their way up the status ladder. Already, black admission rates at Berkeley have risen every year since the initial drop when admissions first were made colorblind.

In any case, it's not as if students who don't make it into

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Berkeley or UCLA are doomed to lives of destitution. Over the past few years many black students who would have been accepted at Berkeley under its previous quota system are now attending UC Santa Cruz, UC Davis, and other solid schools where they are much more likely to thrive and succeed. On these campuses black students learn through everyday, concrete successes that they are as qualified as their classmates, rather than having to assert it on the basis of empty, tribalist rhetoric. Armed with this true confidence, black students will be less likely to retreat to their own sides of the cafeteria to compensate for private feelings of inferiority.

As for the claim that sorting out black students meritocratically is somehow unjust, remember that the majority of the students at these second-rank schools are white and Asian. The demise of racial preferences in the UC system has simply brought black students to the places that their current levels of skill, initiative, and preparation allow—as has long been the lot of white college applicants.

There is also the oft-heard claim that blacks must be admitted to top schools despite inadequate qualifications, because the prestige of these schools, and the resulting social connections, are crucial to success after graduation. But as James Fallows has noted, the top universities are sparse among the résumés of members of Congress, Nobel laureates, industrial leaders, even U.S. Presidents.

Among black Americans specifically, the Thernstroms report that of today's African-American congressmen, army officers, recent Ph.D. earners, and top business leaders, none but a sliver attended elite colleges. Thus "diversity" serves no better to foster black excellence beyond college than within it.

On today's college campuses, all students are indoctrinated with the piety that racism is at the root of any and all racial discrepancies, with the inevitable result that furiously self-righteous people are constantly clamoring for increased black presence by any means available. No one could be appointed a university president today without supporting racial preferences in one guise or another. And while the diversity argument hasn't done much for black students, it has been very useful to white administrators.

University of Michigan president Lee Bollinger became a media darling by criticizing the court decision against the use of race preferences at his university's law school. It's telling that Bollinger was selected as president of Columbia University shortly after his defense of preferences, while his law school dean Jeffrey Lehman, equally vehement in defending Michigan's quotas in recent months, has just been picked to head Cornell University.

"Aren't you in favor of diversity?" is code for "Don't you like black people?" And nothing chills white Americans more than the notion that they might be considered racist. So admitting black people under the bar becomes imperative. Meanwhile many blacks cheer, under the misimpression that racism is the only possible cause of unequal performance.

But the unequal performance of black students doesn't evaporate once they hit college. Racial preferences do not, as so often thought, "correct" a "raw deal" that black students have been saddled with. Instead, racial preferences merely sanction and perpetuate the separation of blacks from high academic performance.

It is high time we relegated preference by skin color to the dustbin of history.

Give the Decision Back to Congress

By Lino Graglia

Whether racial preferences are Constitutional is a difficult question. It is not, however, difficult to say whether such preferences are *illegal* under existing legislative statutes. They are.

Under Title VI of the 1964 Civil Rights Act—our most important civil rights statute—no institution receiving federal funds may discriminate by race under any circumstances. Congress understood the *Brown v. Board of Education* school segregation decision to prohibit all official race discrimination. In its 1964 Act it adopted and extended that principle across American society.

The University of Michigan race preferences now being considered by the U.S. Supreme Court should therefore be declared unlawful under the Civil Rights Act, thereby avoiding the need to consider the sticky Constitutional question. The practical effect of such a decision would be to return the question of preferences to the political process.

This solution would be faithful to the clear terms and purpose of the 1964 Act. It was in fact the solution favored by four of the nine justices when the Supreme Court decided the landmark *Bakke* case in 1978. In addition to being the solution most faithful to existing law, overturning preferences as incompatible with the Civil Rights Act would serve the cause of representative self-government, by returning the issue to Congress. It is far more appropriate in a democracy that this issue be decided by elected legislators than by unaccountable judges.

If Congress has changed its mind since it passed the Civil Rights Act, it can repeal Title VI, or amend it to allow racial preferences. This would require Congress to specify the nature, extent, justification, and duration of permissible selection by skin color. That would bring the use of preferences and quotas fully into the open, unlike now where they are applied most often in secret.

Upholding racial preferences would require the Supreme Court to qualify and weaken—if not completely overrule—the *Brown v. Board of Education* principle of non-discrimination. A serious loss to American law.

If *Congress* is willing to take responsibility for permitting some racial discrimination for what it considers a good cause, that would legitimately remove the issue from the courts. There would be no clear Constitutional justification for judges to overturn such a decision. Of course that decision would be made through the ordinary political process, and people dissatisfied with it would be free to use the democratic process to change it. American citizens could craft a final conclusion to this exhausting wrangle, something the courts have been unable to do.

Lino Graglia is a professor at the University of Texas School of Law.

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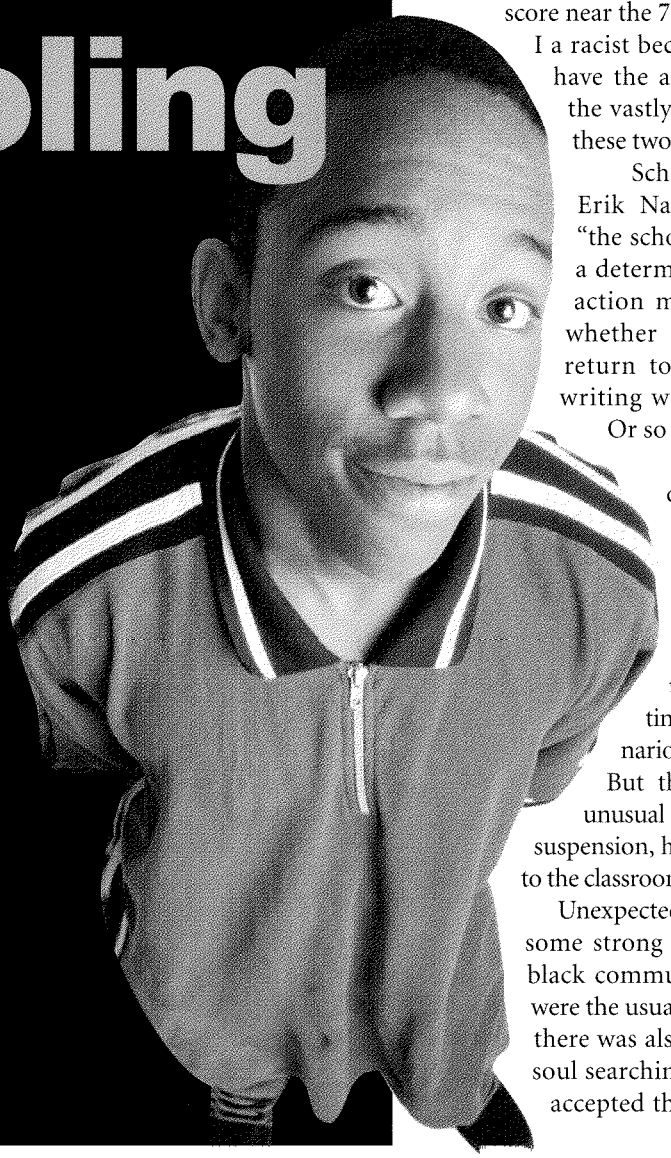
Black America's Real Albatross: The Schooling Gap

...a cautionary yet encouraging tale



By Jane Mack-Cozzo

One of last year's true academic heroes is Scott Phelps, a science teacher at John Muir High School in Pasadena, California. He wrote what is now referred to as "The Letter." In it, he stated frankly that the students with the poorest academic performance at his racially mixed school—as well as most of those who are unruly and undisciplined—are black. (Evidence from studies demonstrates that this is a national problem, not one limited to Muir High; see BIRD'S EYE, pages 4-7.)

Initially, Phelps disseminated his letter in an Internet chat room devoted to criticism of the school administration. Afterward, he distributed copies to colleagues. Predictably, there were complaints. Then he was placed on administrative leave.

"I notice that our African-American students score right around the 30th percentile," said Phelps after his dismissal. "Our white kids score near the 70th percentile. Now am I a racist because I notice this, and have the audacity to also notice the vastly different behaviors of these two groups?"

School district spokesman Erik Nasarenko warned that "the school district will…make a determination to what other action might be necessary, or whether Mr. Phelps should return to the classroom." The writing was on the blackboard. Or so it appeared.

For forthrightly describing the elephant in the living room—which most people in public life simply pretend isn't there—Phelps seemed likely to become another victim of the usual dreary scenario of political correctness. But then his story took an unusual turn. After two weeks of suspension, he was allowed to return to the classroom.

Unexpectedly, his letter unleashed some strong sympathy in the local black community. Of course, there were the usual charges of racism. But there was also much reflection and soul searching. Many black parents accepted the truth of his charges,

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and asserted that they needed to take more responsibility for the conduct of their children.

Phelps acknowledged in his letter that there are black students at his school who are well-behaved. Then he weighed in on those who are not. "The students whose behavior makes the hallways deafening, who yell out for the teacher and demand immediate attention in class, who cannot seem to stop chatting and are fascinated by each other and relationships but not with academics…are African American. Eventually, someone in power will have to have the courage to say this publicly."

Little did he realize that this "someone" would be himself. But he did not back down.

Phelps noted that "African Americans are our lowest-scoring group by far." And he pointed out that the students with the lowest test scores are those whose parents are uninvolved in their children's learning. With better oversight and motivation, he suggested, things could be different. "I have seen two science teachers in my department who get lower-scoring students to behave well. They are both African American, and have no trouble 'going off' on kids."

"If white kids were the ones misbehaving, I could say it and I wouldn't get one phone call," said Phelps. But "if we're going to be holding all kids responsible for meeting the same standards then we need to talk about their cultural behavior…. In order for white teachers to feel comfortable they have to put a lot of energy into changing the behavior of minority kids." As a beginning, teachers would be satisfied if students at least didn't arrive at class 30 minutes late, interrupt an exam to borrow a lipstick, or cuss out the adults during class.

Phelps also criticized administrators for passing the buck. He implied that they push sub-standard policies that show artificially good "numbers." But sticking one's head in the sand only hurts teachers and students. As if to illustrate the problem, Phelps's argument was criticized by the local district assistant superintendent. "Some of these kids deserve credit just for showing up," insisted George McKenna.

Because Phelps is widely acknowledged to be an excellent and passionately committed teacher, however, his criticisms carried weight. A Cal Tech graduate, he left a research program there 12 years ago in order to teach in a mostly minority high school. He tutors physics students at no charge, invites students to dinner, and goes to their homes for study sessions.

After Phelps was banned from the classroom, many black parents sounded off. One of them, retired teacher Kitty McKnight, expressed outrage after a district official said the solution to Muir High School's discipline problems was more tolerance, and more commitment on the part of the teachers.

"I cannot sit and listen to this. Our boys are out of control," thundered McKnight. "You talk to another black teacher about the behavior of black students and they know exactly what you mean. I feel like I'm at fault for not addressing it sooner." These comments were met with both scattered applause and shocked silence from her black listeners.

Another parent, Joe Hopkins, argued that Phelps's charges were a challenge. "Our history is one of overcoming odds. This generation seems to be stuck on a culture that says don't insult or 'dis' me, even though I can 'dis' our women and our race in music while no one else can…. Today, we seem to be hypocrites saying don't touch or punish or correct my child, or I will have your job, or sue you."

"Our boys are out of control. Talk to a black teacher about the behavior of black students and they know exactly what you mean."

A black former educator, Wilma Thomas-Simon spoke up: "A white man took a stand and told the truth…. I'm just sorry I didn't say it." A black student noted that administrators "didn't hear the message [Phelps] was trying to make. Instead they played the race card…. He is one of the few teachers who went to school every day for something other than the paycheck."

Black parent John Wright suggested that "if the African-American community is so upset about this letter then they should work to see that there will not be a need for a letter of this type to be written again by someone of another ethnicity…. They cannot allow their children to dress and act like hoodlums and not expect a label to be put on them! They cannot allow their children to feel that it is all right to smoke weed and take other drugs on campus and come to class high and be disruptive. My position is that the African-American community has been shamed, and they know the cause for their shame, and we can and must change this situation."

One woman wrote to the editor of the *Los Angeles Times* that while watching the movie *The Emperor's Club* with a black special ed teacher, she noticed that her friend "was in quiet tears throughout much of the picture…. I asked her what was wrong. She replied that she was just so envious of the classroom decorum that the obviously private school enjoyed, and was so frustrated by the lack of same in the public schools."

One other Muir High School parent, Johari DeWitt-Rogers, lamented aloud: "When I drop my son off at school, I see kids showing up with no backpacks, no books. You know they're not serious about education. In the same way this teacher's letter galvanized people to come forward and protest his statement, we're going to have to get the community to rally together and turn things around, to say this is not acceptable for our young people."

To which many local citizens—black and white alike—say: Amen.

Jane Mack-Cozzo is a California writer and former teacher.

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The Key to Closing the Minority Schooling Gap:

School Choice

By Clint Bolick

In a nation supposedly committed to free enterprise, consumer choice, and equal educational opportunities, school choice should be routine. That it is not demonstrates the clout of those dedicated to preserving the government's monopoly over public education. To listen to the education establishment, one would think that school choice is a radical, scary, alien concept. Indeed, the defenders of the status quo have convinced many voters that school choice is a threat to American society.

But school choice is not threatening, and it is not new. To the contrary, it is the norm in most modern nations (see the article starting on page 36). Even in the U.S., non-government schools have long played a key educational role, often using public funds. America's college system—the world's envy—is built on school choice: Students can use the G.I. Bill, Pell Grants, and other forms of government aid to attend either public or private schools, including religious institutions. At the other end of the age spectrum, parents of preschoolers can use child care vouchers in private and religious settings. And under federal law, tens of thousands of disabled elementary and high school age children receive schooling in private schools at public expense. It is only mainstream K-12 schools in which the government commands a monopoly over public funds.

Thomas Paine, the most prescient of our founding fathers, is credited with first suggesting a voucher system in the United States. He wanted an educated, enlightened citizenry, but the idea that the government should operate schools was an alien concept to him and his generation. Instead, Paine proposed providing citizens with financial support that they could use to purchase education in private schools.

The great portion of early American "public" education took place in private schools. Even when states started creating government schools, the teachers often were ministers. The concept of "separation of church and state" is not in the U.S. Constitution, and was certainly never applied to education.

In 1869, Vermont adopted a school choice program for communities that did not build their own public schools, and Maine followed suit in 1873. To this day, both states will pay tuition for children to attend private schools, or public schools in neighboring communities. In Vermont, 6,500 children from 90 towns attend private schools at government expense; in Maine, 5,600 children from 55 towns do so. Those programs, in existence for more than a century and a quarter, have not destroyed the local public schools; to the contrary, both states boast a well-educated population.

But the goal of universal common schooling, fueled by the ideas of Horace Mann, helped make government schools the norm in the late nineteenth century. Thereafter, private schools typically served two groups: the elite, and those seeking a religious immersion different from the Protestant theology that dominated public schools. The latter, of course, were primarily Catholic immigrants.

The rise of Catholic schools bitterly annoyed Protestant public school advocates like Senator James Blaine (R-ME). Blaine struck back in 1876. His proposed amendment to the U.S. Constitution to prohibit any government aid to religious schools came just short of securing passage in Congress. His allies, however, lobbied state legislatures and succeeded in attaching "Blaine amendments" to approximately 37 state constitutions which prohibited expenditure of public funds in "support" of sectarian (i.e., Catholic) schools. Anti-Catholic bigotry crested in an Oregon law, secured by the Ku Klux Klan, which *required* all children to attend government schools.

In the landmark 1925 decision *Pierce v. Society of Sisters*, the U.S. Supreme Court struck down that Oregon law, declaring that "The fundamental theory of liberty upon which all governments in this Union repose excludes any general power of the State to standardize its children by forcing them to accept instruction from public teachers only. The child is not the mere creature of the State; those who nurture him and direct his destiny have the right,

Clint Bolick, vice president of the Institute for Justice, has litigated many crucial school choice decisions. His book Voucher Wars: Waging the Legal Battle Over School Choice *has just been published by the Cato Institute.*

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coupled with the high duty, to recognize and prepare him for additional obligations." This principle of parental sovereignty remains a cornerstone of American law today. Though it remains constantly under attack, it continues to keep private educational options (among other rights) open to parents.

The modern case for school vouchers was first made by the Nobel laureate economist Milton Friedman in 1955. Instead of providing education as a monopoly supplier, Friedman suggested, government should just finance it. Every child would be given a voucher redeemable at a school of the parent's choice, public or private. Schools would compete to attract the vouchers. Friedman's proposal contained two insights that formed the intellectual foundations of the contemporary school choice movement: that parents, rather than government, should decide where children attend school, and that the economic rules which yield good services and products are not suspended at the schoolhouse door.

Support for school choice began to expand and diversify in the 1970s, when two liberal Berkeley law professors, Jack Coons and Steven Sugarman, began to consider school choice as a means of delivering educational equity. If forced busing plans had failed, Coons and Sugarman argued, why not give vouchers to poor and minority parents so they could choose the best education for their children? Coons and Sugarman adapted Friedman's proposal to their own ends: While Friedman advocated universal vouchers, Coons and Sugarman wanted to target them to disadvantaged populations. Friedman preferred a lightly regulated system, while Coons and Sugarman called for substantial government oversight. Still, there was the beginning of an alliance between freedom-seeking conservatives on the one hand and equality-seeking liberals on the other. That alliance eventually made the school choice programs of the 1990s a reality.

The school choice movement is critical to helping black Americans become productive, self-supporting citizens.

The main force generating support for vouchers, however, was the alarming decline in urban public schools. During the 1960s and 1970s, most urban public schools were ruined. Whites and middle-class blacks fled to the suburbs, leaving poor and mostly minority populations in rapidly worsening city public schools.

The problems of urban public schools were connected to a broader decline in public education. The 1983 study *A Nation at Risk* warned that large doses of mediocrity and failure had crept into American public schools. Meanwhile, starting in the 1980s, social scientists like James Coleman began showing that private and religious schools were succeeding in educating the very same poor, minority schoolchildren that government schools were failing. Many corroborating studies followed.

Also helping set the stage for a school choice movement was the 1990 Brookings Institution study by John Chubb and Terry Moe, *Politics, Markets & America's Schools*. Chubb and Moe set out to discover why suburban public schools and inner-city private schools generally produced good academic outcomes, while inner-city public schools were disasters. They found that whereas the first two types of schools were characterized by strong leaders with a clear mission and a high degree of responsiveness to parents, inner-city schools were not. Instead, urban public school districts were run by bloated bureaucracies whose principal constituencies were not parents, but politicians and unions.

A crucial factor distinguishing the successful and unsuccessful schools was the element of choice: Suburban parents could send their children to private schools, or move to different communities, if they were dissatisfied with their public schools. Private schools, obviously, were entirely dependent on satisfied parents. But inner-city public school parents were captives: They had no choice except to send their children to whatever the local government school offered. In school districts with tens or hundreds of thousands of students, they were powerless to do anything about the system.

Introducing choice in inner-city public schools, Chubb and Moe concluded—particularly giving parents the power to exit the public system altogether—would force the bureaucracy to respond to its customers rather than to politicians and special-interest groups. These findings created a scholarly foundation for school choice as a way not merely of helping children in failing government schools, but also as an essential prerequisite for reforming public school systems.

When the current school choice movement started to come together a decade or two ago, its leading protagonists could have met comfortably in a telephone booth. In an amazingly short period, it has grown into a sophisticated, passionate, and ecumenical movement. There are philanthropists, activists, public officials, clergy, lawyers, and parents, all willing to put aside ideological differences in pursuit of a common cause.

The movement's core argument is that parents, not government, should have the primary responsibility and power to determine where and how their children are educated. That this basic principle should require a vicious fight is testimony to the strength, determination, and ferocity of the reactionary forces defending today's educational status quo. Teacher unions, which form the cornerstone of our education establishment, are the most powerful special-interest group in America today. At the national level, they essentially own the Democratic Party. At the state level, they wield enormous influence over elected officials in both parties. At the local level, they frequently control school boards. They and their education allies dedicated all the resources at their disposal to defeat meaningful school choice anywhere it has presented itself.

For the education establishment, this battle is about preserving their monopolistic vise grip on American schooling. For parents—and our society—the stakes are much higher. Nearly 50 years after *Brown v. Board of Education*, vast numbers of black and Hispanic children do not graduate from high school. Many of those who do still lack the most basic skills needed for even entry-level jobs. As a result, many children in inner-city schools wind up on welfare or in jail. Children who most need the com-

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pensations of a quality education are instead relegated to dysfunctional schools. In climbing out of this morass we should not worry about whether a particular reform is too radical; we should worry about whether it is radical enough.

The school choice movement is not only a crusade to improve American education. It is also a true civil rights struggle. It is critical to the real lives of real people. The system has written off many of the people who most need choice—both the parents and their children. Minority citizens may be offered welfare payments, or racial preferences, but little is done to help them become productive, self-supporting citizens. Government schools and their liberal patrons implicitly assume that low-income children are incapable of learning. With little expected of these children, that becomes a self-fulfilling prophecy.

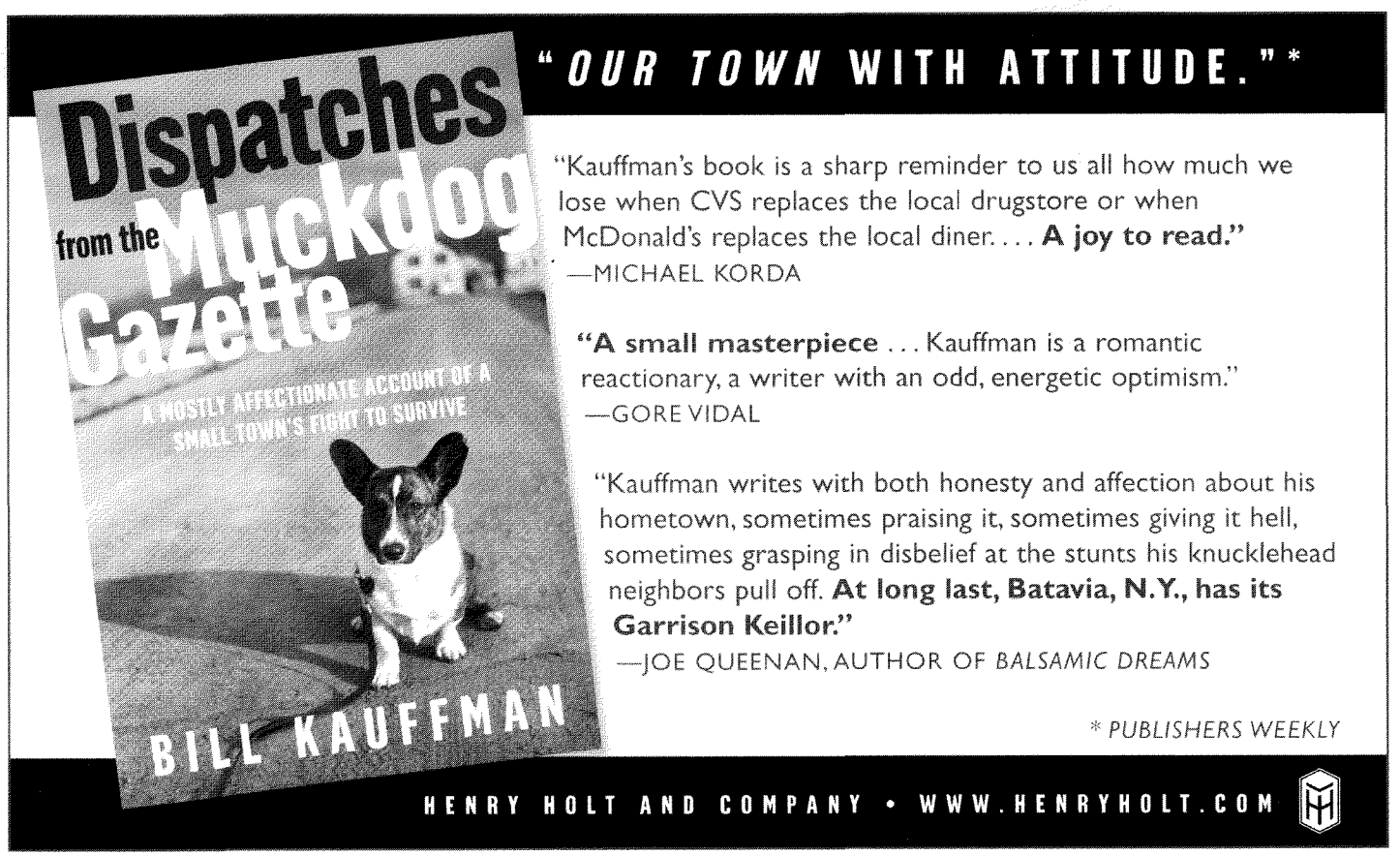
Meanwhile, conditions are different in most inner-city private schools. Not because they have greater resources than their public school counterparts (they typically have far fewer), or because they are selective (they usually accept all applicants), but rather because the operating philosophy is markedly different. At non-government schools, parents are not discouraged from involvement, they are *required* to play a role in the school and in their children's education. The children are expected to behave. They are expected to achieve. And research shows that they do.

Ultimately, we want school choice programs that are large and accessible enough to give government schools a serious run for their money. But initially, even a small program—publicly or privately funded—can begin to introduce inner-city parents to the previously unknown concept that there is an alternative to failure. That creates a constituency for a larger program.

Any functioning program, no matter how small, will change the debate from one about hypotheticals to one about realities. When we can show that competition helps public schools, and that families are choosing good schools rather than, say, witchcraft schools, we can begin to debunk the myths of choice adversaries. In Milwaukee, where school choice has been pioneered, public opinion polls show that support for choice is stronger the closer one is to the program. Not only inner-city parents but also suburban parents now support school choice there.

Actual experience has shown that school choice programs do not "skim the cream" of students, as our detractors like to say, leaving only hard cases in the public schools. Instead (not surprisingly), school choice programs usually attract children who are experiencing academic or disciplinary problems in government schools. Many such children are on a downward trajectory. Just arresting that trajectory is an accomplishment, even if it doesn't show up immediately in improved test scores.

Academic research by Harvard's Paul Peterson and others shows that academic gains are modest in the first year or two of a school choice program, and begin to accelerate afterward. Longitudinal studies tracking choice students over many years seem likely to find higher high school graduation and college enrollment rates, plus other measures of success. If that happens, the debate over the desirability of school choice will be over. The pioneers of school choice will have shown how to rescue individuals from otherwise dark futures, as well as how to force our larger system of public education to improve itself for the good of all students.



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Bird's Eye *continued from page 8*

racial identity. Black language and unacademic behavior are presented as rejections of "white ways." Unfortunately, many of the attitudes and behaviors labeled "white" are those that enhance school success.

School authorities and black students agreed that white peers tend to study together, but black friends do not do schoolwork together. Some black students did not succumb to these negative peer pressures. One strategy involved befriending other black students who were good students, or white classmates. A second protective factor was family support: Involved parents got their children to work, take hard classes, and complete homework.

But this requires supervision, which is often lacking. We investigated what black parents did or did not do to support their children's education, in school and at home. From school records, interviews with students, discussions with parents, and our own observations, we can report that black parents do not participate actively in school organizations and events. Very few black parents attended Parent Teacher Organization meetings. Their participation in academic programs organized by the school district was dismal. We recorded attendance at three workshops intended to show black parents how to help their children pass state proficiency tests. Participation was very low.

The absence of black parents during school open houses was another indicator of the discrepancy between educational expectations and what black parents are actually doing to make sure their expectations are met. Involvement was low even among well-educated middle-class black parents.

Many parents seemed to expect the school to do everything that's necessary for their children to succeed. They rarely met with teachers or visited the schoolbuilding. Nor did parents do much to aid education outside of school. In group discussions and interviews, students reported that many black parents did not supervise or check homework closely or often.

Students even complained that their parents did not sufficiently monitor the amount and kinds of television programs they watched. Students told us they not only spent too much time watching, but also absorbed messages from specific programs that were detrimental to school interest and personal striving. Neither does it appear that many black parents adequately scrutinize their children's friendships.

Many black students felt their parents were not doing enough to encourage them to do well in school. As students got older, punishments for poor grades usually lost their effectiveness. Many parents discussed their children's schoolwork with them only when report cards arrived.

One of our recommendations is that black Americans must assume a more active role to increase the academic effort of their children. Although good teaching and changes in the educational process are important, the academic achievement gap is not likely to be closed solely by eliminating all that ails our schools.

Black Americans must assume a much more active role to increase the academic effort of their children.

There are limits to what local schools and U.S. society at large can do for black students. At least as important is what the black community can change within itself.

There is much evidence in other studies confirming Ogbu's work. A 1998 study in *The Black-White Test Score Gap* showed that among children entering school with similar socioeconomic backgrounds and initial test scores, black children learned less than white children by the time they graduated from high school. It's important to note that these children were attending the *same* schools.

For black students who do study and learn today, the sky is the limit. A 2001 study shows that minority students who do graduate from high school with strong academic skills are every bit as likely to attend good colleges as top white students. And black students who have developed the same academic skills as white students in tenth grade are just as likely to graduate with a college diploma. As a brand new report from a distinguished panel of educators assembled by Stanford's Hoover Institution puts it, "Well-prepared minority students are sought by colleges, and they do well, both in college and later." Our problem today is minority students who are *not* well-prepared.

Professor Ogbu tells me that he is anxious to avoid putting all the blame for black school failure on black students and families. I agree—which is why this issue criticizes, at length, the ways that uncompetitive public schools sometimes numb minority schoolchildren into mediocrity. But it's also clear that black disengagement from learning (about which John McWhorter wrote a whole book, excerpted in our December 2000 issue) is poisonous to black progress. Finding an antidote to that is more urgent than even school reform, and will ultimately be more consequential than a *century* of affirmative action.

Speeding up black progress will require effort on many fronts. Black families need to set higher standards and hold their own children accountable. Schools need to become much more responsive. White liberals need to stop falsely promising stress-free solutions through racial preferences. More honesty, more perspiration, more boldness, and full-blown competition in schools could, in combination, produce real breakthroughs against America's unacceptable racial gap.

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Sweeten the Pot For Middle America

To make school vouchers truly popular, make sure there's something in them for suburbanites

By Frederick Hess

The Republican gains of November have prompted renewed calls for action on school vouchers and choice in education. In the past, supporters fretted that the Bush administration had abandoned school vouchers too readily in the face of fierce Democratic opposition in 2001 and that pro-voucher governors were not committed enough in the face of resistant legislatures.

The political calculus has clearly changed. In Washington, D.C., voucher supporter Judd Gregg of New Hampshire is the new chair of the Senate committee overseeing education. In Colorado, Texas, New Hampshire, and South Carolina, Republican gains have produced new enthusiasm among school choice proponents.

Meanwhile, voucher enthusiasts have gone on the legal offensive following the Supreme Court's June 2002 *Zelman v. Harris* decision, which ruled that religious schools could Constitutionally be included in voucher programs. In states like Massachusetts, Maine, and Vermont, they are challenging state constitutional strictures that prevent state monies from supporting religious schools, on the grounds that these violate First Amendment protections for the exercise of faith. Should voucher supporters win these battles, the field will be wide open for voucher programs.

Nonetheless, voucher proponents could be inadvertently steering themselves off a cliff. Proponents of school choice today find themselves in much the same position that the social-engineering Left inhabited after LBJ's sweep a generation ago. Their ideas are ascendant, they stand on the side of social justice, they have strong allies and spokespersons, and are winning prominent legal battles. Yet amidst the fruits of victory, something is missing: full approval from the mass of the American middle class.

Like the architects of LBJ's Great Society, voucherites express puzzlement as to why many suburbanites don't share their enthusiasm for school choice. Increasingly, I find myself in education-reform meetings where voucher advocates end up quietly berating white suburban families for showing insufficient regard for the education of disadvantaged urban children. Conservative school choice proponents nod along as compelling advocates for the urban underclass—like Howard Fuller, Robert Aguirre, and Floyd Flake—voice frustration that suburban whites have not fully embraced choice as a way to free minority children from failed urban schools.

That's no way to win a policy fight. Thirty years ago, the Great Society's champions berated and nagged middle-class America smack into the arms of the opposition. Enthralled by their own virtue and the elegance of their domestic policy prescriptions, Great Society liberals forgot about simple democratic notions like self-interest, concern about unintended consequences, and the public's natural risk aversion. They tried to guilt-trip the public into supporting their bold reforms. But showing the caution and good sense typical of a democratic majority, voters eventually opted for Republicans and moderate Democrats who were less likely to belittle their reservations.

Conservative advocates for school vouchers risk repeating this mistake. The dominant wings of the voucher movement are free-marketers on the one hand, and urban minorities tired of waiting for public school improvement on the other. The result has been a sometimes awkward marriage that has permitted conservatives to claim the potent language of civil rights, and tempted Republicans into believing they could make political inroads with black and Latino voters.

What these advocates have overlooked is the resistance to vouchers and other choice plans among suburban homeowners. While vouchers routinely win the support of 70 percent or more of urban populations, support levels are barely half that in the suburbs, even in favorably worded polls. This resistance has made voucher proponents increasingly frustrated. Are suburbanites just too naive and timid to see the problems with today's inefficient school monopolies? Or do they not care about issues of equity and equal opportunity?

It's time for choice proponents to recognize that suburban resistance to school choice is entirely rational, based largely on self-interest, and unlikely to go away. Otherwise the political

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clumsiness of voucherites could eventually create an unfortunate suburban backlash against school choice—in much the same way that ramrodding the Great Society programs through did in the late 1970s.

Imagine a hard-working couple, the Grays, who own four season tickets on the 40-yard line for the local pro football team. They invested lots of money and sweat in obtaining the seats, and now use them to share a special experience with their two children. The Grays value these hard-won tickets highly.

Now imagine that the Grays show up one Sunday to find that the stadium has adopted a first-come, first-served seating pattern. What do you predict their reaction is likely to be? Will they smile and say, "Oh, then that's all right!" after the stadium management explains, slowly and in few words, that the old system had produced inequitable results for the poor? Seems unlikely, doesn't it?

A great deal of American family life is now driven by the quality of the public schools in the district where a family happens to live. Parents who have sacrificed to purchase an expensive, heavily taxed home in a better school district have often done so largely because it confers a ticket to the local classrooms for their children. From their perspective, school choice proponents are suggesting that their tickets be torn up.

Fix our education system without pulling the rug out from under suburban parents who worked hard to get their children into decent schools.

School choice has many merits and would, in the long run, make America's educational system much more competitive and impressive. But it's important to recognize that choice-based reform has severe distributional consequences. Those who own homes in districts with good schools risk losing tens or even hundreds of thousands of dollars in home equity (as Duke University economist Thomas Nechyba has illustrated). These parents worry they may no longer be able to assure their children access to the educational services they've already purchased. They may find that local schools no longer get the first crack at quality teachers, or provide as uniformly desirable a peer group.

These are not small concerns. One can be troubled by the inequities of our existing system without pulling the rug out from under suburban families who have worked hard to get their children into decent schools. It is a simple reality that these families are unlikely to look benignly upon measures that might undercut the educational security they have struggled to achieve. This is why cities with troubled public school sytems like Cleveland, Milwaukee, Philadelphia, Dayton, and Washington, D.C. have embraced choice or charter schooling, while suburban communities with more successful schools have remained skeptical.

Let's stipulate that homeowners in good suburban districts will often start out with reservations about school reforms that hand all parents fully paid vouchers, negating the sacrifices they made to get their own children into functional schools. Like it or not, this sprawling bloc of educated and influential voters will prove pivotal to the fate of choice-based reforms. Even copious amounts of morally superior nagging won't change their minds.

What are the implications for voucher proponents? Quite simply, the concerns of these suburbanites need to be addressed, rather than dismissed. Specifically, efforts must be made to provide suburban parents with incentives, compensations, or limits on possible ill effects of publicly funded school choice. This can help ameliorate fear and opposition.

One approach would be to convince suburban voters that even their "better" schools are much worse than they think, and that the system-wide benefits from choice will create a rising tide that lifts all schools. There is much evidence that suburban public schools, while not dysfunctional, could be much more effective and could benefit from competition. But such an effort will have to confront public skepticism. It risks being undercut if overly rosy instant benefits are promised and not delivered.

A second approach would be to compromise to mitigate possible negative side effects of choice plans. A favorite strategy so far has been to limit the area affected by school choice to urban districts, so as to immunize suburban voters from the change. The Milwaukee and Cleveland voucher programs stipulate that city students can only use their vouchers to attend suburban schools if the suburban districts approve (which they rarely do). Establishment of charter schools has also been limited in suburban communities. Reformers have used gradual changes and half measures, like choice among existing public schools only, to acclimate parents to the idea that the longstanding link between where you live and the schools your children attend is gradually dissolving. Of course, this limits the speed and effectiveness of choice-based reform.

A third approach has barely been considered. This would involve appealing to the reasoned self-interest of suburban parents by sweetening the potential of choice for their families. School choice laws might explicitly encourage new schools to provide options hitherto unavailable even to suburban parents—like alternative daily school schedules or annual calendars, or advanced courses that are currently not available or oversubscribed.

A more radical appeal to self-interest might involve using financial compensation to mitigate, or even undo, perceived negative effects of school choice. Homeowners who feel that the state has constricted their property rights through publicly funded school choice might be offered a tax deduction for the amount of assessed value a home loses in the aftermath of choice-based reform. Permitting homeowners to write this deduction off against current income over a period of time would temper their concerns. This would be analogous to authorities compensating the Grays for nullifying their stadium tickets.

For school choice supporters, self-righteous indignation is not the ticket to winning popular support. Heading down that path will eliminate any chance of broad political victory. Whether educational choice succeeds is ultimately in the hands of America's suburban middle class, so it is that group which advocates must now address—with respect, reason, and rational incentives.

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Last Holdout Against Educational Freedom

Every modern nation except the U.S. allows school choice. Here's how our allies make it work.

By Charles Glenn and Jan de Groof

Over the last decade, we conducted a major study of how school systems operate in leading industrialized nations. We found that in every one of the two dozen countries we surveyed (which ranged from Canada, Britain, and Germany to Greece, Russia, and New Zealand), private citizens and religious organizations may operate non-governmental schools. Each country likewise permits parents to meet mandatory schooling requirements by sending their children to these private or religious schools.

The freedom to send one's children to non-government schools is well established in international law and educational practice, in the written constitutions of most free countries, and in the social norms of virtually every nation with universal schooling. Moreover, public funding is provided in virtually every country we surveyed to allow parents to send their children to whatever school they choose.

A right to public funding in support of school choice has emerged as the international standard, largely in response to popular demand. The United States is one of the few advanced countries that still mostly blocks public funding for non-government schools. This is a result of adamant opposition from teacher unions, as well as vestigial provisions in many state constitutions (written amidst nineteenth-century anxiety about Catholic immigrants) that block tax monies from going to religious schools.

The barriers to educational choice in the U.S. are clearly weakening, however. Opinion polls now find strong popular support for "a system giving parents government-funded vouchers to pay for tuition at the public, private, or religious school of their choice." This support is particularly strong (77 percent in favor, 14 percent opposed) among low-income parents in inner cities whose children attend public schools. Despite the strong opposition in certain elite circles, voucher funding for religious schools also enjoys strong support from the public (79 percent to 11 percent). This holds true for Democrats (74 percent to 15 percent in favor) as well as Republicans (83 percent to 10 percent), and even for those who report they have no religious affiliation (76 percent to 17 percent).

While in most Western countries there is now great interest in measures that promote autonomy and diversity among schools, every government takes pains to provide a framework of regulation and accountability within which this educational freedom is exercised. The extent of this oversight varies a great deal from country to country. The limited autonomy of schools in France is in marked contrast to the wide autonomy that subsidized schools enjoy in Denmark.

But the last decade has been marked by a growing concern in many countries for effective systems of accountability. Willingness on the part of policymakers to allow both public and subsidized private schools to function more autonomously has usually been accompanied by a heightened demand for measurable academic results. In the U.S., researcher Terry Moe has found that though most Americans support public funding for the schools that parents choose, 88 percent are in favor of teacher certification requirements, 80 percent support curriculum requirements, 83 percent favor financial reporting and auditing

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requirements, and 86 percent want standardized student testing in order to hold schools accountable.

So what most citizens in the West want is something like a regulated free market for educational services. Citizens of prosperous modern nations believe it reasonable for parents to make choices about the schooling of their own children. The government should not block taxpayer money from following the students; it should limit itself to a regulating role, as it does in other markets.

In debates about extending educational freedom to lower-income families through publicly funded school choice, a litany of well-worn objections is repeatedly thrown down. It is alleged that government support for parental choice will:

- undermine society by teaching strange or dangerous doctrines
- create unequal access and benefit the "advantaged"
- lead unsophisticated parents to choose inferior schools
- weaken government-operated schools via harsh competition
- threaten the status and rights of teachers.

In addition, some *supporters* of private schools worry that they could lose their distinctive character and effectiveness if they begin to rely on public funding.

What most citizens in advanced countries want is a lightly regulated free market for educational services.

The results of our study, however, suggest that each of these problems can be avoided by careful design. Everything depends on how parental choice of schools is organized. Because school choice is the norm nearly everywhere except in the U.S., there are many real-life examples of how parental choice can be structured to avoid potential problems. Let's look at how some of our neighbors have avoided the theoretical pitfalls outlined above.

Teaching strange and dangerous doctrines?

This is the original argument for a government monopoly on schooling. The claim is that all children in a society need to be taught the same set of values and loyalties else separate hostile camps will grow up within a nation. This warning has been endlessly repeated, in Europe and the U.S., over the last two centuries. Yet it has never been validated by experience. Despite millions of youngsters educated in Catholic and other private schools in the countries we studied, levels of mutual suspicion and religious conflict have dropped steadily.

It is true that some parents might choose schools that teach beliefs regarded with distaste by other parts of the public. But in a free society this does not mean that these parents should be denied the right to have these beliefs taught to their children, or that the state is entitled to impose some alternate belief on children.

Most people would agree that there are certain messages from which children should be shielded at school, or notions from outside the school to which teachers should present an alternative. But does that require a government monopoly of schooling? No. The need to protect children has been addressed by most Western democracies within the framework of publicly supported school choice.

In Spain, private schools are required to provide instruction on the basis of the principles of human and civil rights expressed in the national constitution. France requires that subsidized private schools—almost all of which are Catholic—provide instruction "with total respect for freedom of conscience." In practice, strange or dangerous doctrines have not been a problem in Europe, even though 70 percent of all students in countries like the Netherlands attend non-government schools using public funding.

The doctrines taught at some "Islamic schools" in Western Europe have rightly raised red flags. But these schools provide supplementary religious instruction—they have neither been funded nor regulated by the state. There is little evidence in Europe that non-government schools that receive public subsidies have taught intolerance or failed to develop civic virtue in their pupils. Indeed, one of the arguments in Europe for funding all-day Muslim schools that follow the national curriculum and employ certified teachers has been to create a mainstream alternative to the informal afternoon and weekend Koran schools run by Islamic fundamentalists with funding from Saudi Arabia and other outsiders.

Meanwhile, plenty of government schools are often not particularly accountable to the public. We suggest, therefore, that it would be more appropriate to be on our guard for unresponsive and irresponsible schools, of whatever structure, rather than assume that private schools are more likely to fall in this category. To the extent that socially subversive schools may exist, it is surely appropriate to protect children from them—without regard to who owns the building.

Unequal access?

In all countries, most poor families live near other poor families, and therefore send their children to schools with a core of students starting with low expectations for achievement. School assignments based on geographic residence, therefore, often produce glaring inequities. Another way to allocate educational opportunities is through standardized tests. But this also leads to school stratification.

A third option is to let students sort themselves, by parental choice. Choice can exacerbate or ameliorate unequal schooling, depending on how it is funded. If there is a refusal to let public funding follow students to alternate schools, as in most of the U.S., then parents with fewer resources, less energy, poorer information, or weaker ambition will often end up with inferior schools.

The only form of parental choice now possible in most of America is the highly impractical and costly option of relocating. Families with higher aspirations move to the suburbs to get away from bad public schools, resulting in ever-increasing segregation of neighborhoods as well as schools by ambition, class, and race. Public schools in the United States have now become more racially segregated than private schools.

But what about the charge that non-government schools will unfairly exclude racial minorities, low-income students, or others,

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because they are free to select their pupils? This is easily avoided by simple non-discrimination clauses, which are common in countries ranging from Belgium (where two thirds of students attend subsidized private schools) to Norway. Countries like Australia have also chosen to adjust the level of subsidies provided by the government to private schools according to the socioeconomic status of the pupils. The lesson to be learned from this varied experience is that educational equity is better served by funding approved private schools than by letting public school monopolies and family income play the major role in determining whether parents have a say in their children's education.

Countries like Australia and Norway have found ways to support private and religious schools without undermining their distinctive qualities.

Choosing inferior schools?

In most countries, subsidized private schools are held to the same academic standards as public schools. Usually these standards are enforced by school inspections and high-stakes national examinations.

In Australia, subsidized schools receive a six-year approval whose renewal is contingent on inspections to determine whether staff are qualified and results satisfactory. Non-public schools in Belgium must submit to government inspection of the subjects taught, the level of instruction, and compliance with the country's strict language laws. The rules do not, however, prescribe teaching methods, which are entirely within the discretion of each school.

Hungary takes a particularly interesting approach to reconciling standards with school autonomy. The national curriculum sets a general educational framework, but leaves it up to individual schools to fill this in with specific courses and teaching methods. Schools submit their curricula to a "National Core Curriculum Bank" from which other schools, if unable or unwilling to develop their own approaches to the national framework, may draw. Curricula in the "national bank" are considered pre-approved and do not require review when any new school adopts them.

In Poland, all schools may choose between adopting a curriculum already approved by the Ministry of Education and developing their own. Schools must also work closely with parents to develop a program for moral education.

Subsidized schools in Sweden are held accountable by the fact that their pupils take national, standardized exams in math, Swedish, English, and civics. Danish private schools, while given extensive freedom to shape their curricula and teaching methods, are similarly accountable to parents for good results: Their national test scores in Danish, math, English, and elective subjects are made public.

Public schools can't compete?

Sweden encourages diversity and competition among public and private schools alike. Depending on where they live, parents may be able to choose, with public support, among local public schools, those of another community, and non-government schools of various sorts. Municipalities are free to decide how to allocate their education funding; most distribute it on a per-pupil basis to the schools chosen by parents.

Similarly, private schools are treated as an equal alternative by the Danish educational system, which allows considerable diversity even among the public schools in the same community. This "Scandinavian model" of even-handed competition among all sorts of schools has been implemented in Finland as well, where even parent-run schools can qualify for financial support from municipalities.

Threatening the rights of teachers?

Some countries require that teachers in subsidized private schools receive the same pay and protections as those in corresponding public schools. This is the case in Denmark, otherwise committed to allowing the most extensive freedoms to each school. Belgium requires its private and religious schools to pay their staffs at the same rate as staff of public schools (with the exception of members of religious teaching orders); this is true in New Zealand as well—a result of insistence by the teacher unions.

In Australia, by contrast, teacher salaries are set by private schools themselves, and may be above or below those negotiated by the unions for the public schools. Some Swedish municipalities set the salary levels, while others leave that up to individual schools, whether state-run or private.

What of that final concern: that taking government money might alter, water down, standardize, or otherwise damage the very qualities in private and religious schools that make them desirable in the first place? There is no question that public funding has led to a substantial loss of autonomy in some countries. This is something the U.S. would need to guard against carefully. Countries like Australia and Norway, however, have found ways to support private and religious schools without undermining their distinctive qualities.

The fact is, private schools in the United States are already subject to state laws that require them to be equivalent to public schools in certain aspects. The good news is, these requirements are usually interpreted flexibly, and there has been little government interference. U.S. courts have held that the distinctiveness of these schools must be respected, so regulation may not be overly intrusive.

This general understanding will help protect the autonomy of America's private educational institutions—particularly if it is defended by broad public opinion and activism against enforced homogenization. Under such conditions America's private and religious schools can thrive within the mainstream as they have thrived outside of it—and on a much larger scale.

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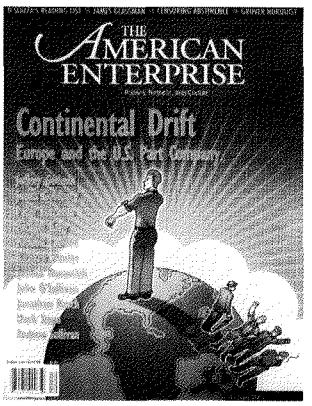

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Another result of racial politics on campus:

UnFree Speech

By Eli Lehrer

Free speech no longer exists on American college campuses. A comprehensive survey conducted by the Foundation for Individual Rights in Education (FIRE) makes it clear: America's great universities are now officially committed to punishing students who express ideas that depart from Leftist orthodoxy. "College administrators have decided to ban just about any thought they don't like," says Emmett Hogan, who conducted the study for FIRE. "It's ironic that colleges are now the least free place in American society."

FIRE's survey data, available online at speechcodes.org after March 18, shows that three quarters of America's well-known universities—ranging from the Ivy League to respected commuter schools—significantly restrict student speech. (See adjoining chart.) Under the plain language of many campus speech codes, talking about differences between races and sexes can result in disciplinary action against a student. At public universities, that is a violation of the U.S. Constitution. At private universities there ought to be an outcry from students, professors, alumni, and trustees against these official restrictions on what students can and cannot say.

It hasn't always been this way: During the 1980s, free speech crusaders in America's universities thought briefly they had beaten back campus censorship. Successful lawsuits against the public universities of Michigan and Wisconsin, as well as California's private Stanford University, ended formal speech codes on public college campuses. But now so-called harassment codes have replaced speech codes in most places, and these new rules are in some ways worse.

Talking about differences between races can now result in disciplinary action.

While speech codes banned students from using narrowly delineated racial and sexual epithets, the "harassment" policies that exist on most American college campuses are so vague they can be interpreted to mean virtually anything. The University of North Carolina-Chapel Hill prohibits behavior that "destroys the environment of tolerance and mutual respect." Princeton bans "unwanted sexual attention that makes a person feel uncomfortable." Cornell University, along with many other schools, defines "leering" as a form of harassment. Many of these codes are hidden deep in university policy books and operate without most students being made aware of them. They serve to chill free expression just the same.

Moreover, these policies are applied subjectively. The conduct of San Diego State University speech code enforcer Antoinette Jones is typical. Shortly after 9/11, student Zewdalem Kebede approached a group of Arab students in the university library after he heard them praising the terrorist attacks. He got into a heated debate with the students and was eventually charged by Jones with violating the university's hazing policy. Ultimately, Jones sent Kebede a warning letter but took no formal disciplinary action. When *TAE* called her, Jones refused to comment, citing a university policy that bars employees from speaking to the press. SDSU spokesman Jason Foster, however, says no such policy exists.

Evenly applied standards requiring courtesy on campus might have a place at some educational institutions. But modern speech codes apply only to particular types of speech offensive to the Left. And it is mostly white students that they

Eli Lehrer is a TAE *senior editor.*

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Colleges rated by their tolerance for free speech

The Foundation for Individual Rights in Education (FIRE) is reviewing speech codes on campuses across the nation. Here are their exclusive findings for 119 prominent colleges and universities.

● speech nominally protected ● speech restrictions possible ● speech suppressed

American U. (DC) ●	Hamilton (NY) ●	UCLA (CA) ●
Amherst (MA) ●	Harvard (MA) ●	U. of Cal. Berkeley ●
Antioch (OH) ●	Harvey Mudd (CA) ●	U. of Cal. Davis ●
Bard (NY) ●	Haverford (PA) ●	U. of Cal. Irvine ●
Barnard (NY) ●	Iowa State ●	U. of Cal. San Diego ●
Bates (ME) ●	Johns Hopkins (MD) ●	U. of Chicago ●
Beloit (WI) ●	Kenyon (OH) ●	U. of Colorado ●
Boston College (MA) ●	Lafayette (PA) ●	U. of Florida ●
Bowdoin (ME) ●	Lawrence U. (WI) ●	U. of Georgia ●
Brandeis (MA) ●	Lehigh (PA) ●	U. of Illinois ●
Brown (RI) ●	Macalester (MN) ●	U. of Indiana ●
Bryn Mawr (PA) ●	MIT (MA) ●	U. of Kansas ●
Bucknell (PA) ●	Michigan State ●	U. of Maryland ●
Cal Tech ●	Middlebury (VT) ●	U. of Michigan ●
Carleton (MN) ●	Mt. Holyoke (MA) ●	U. of Minnesota ●
Carnegie Mellon (PA) ●	New York U. ●	U. of North Carolina ●
Case Western (OH) ●	North Carolina State ●	U. of Pennsylvania ●
Centre College (KY) ●	Northwestern (IL) ●	U. of Rochester (NY) ●
Claremont McK. (CA) ●	Notre Dame (IN) ●	USC (CA) ●
Colby (ME) ●	Oberlin (OH) ●	U. of Tennessee ●
Colgate (NY) ●	Occidental (CA) ●	U. of Texas ●
Holy Cross (MA) ●	Ohio State ●	U. of the South (TN) ●
William & Mary (VA) ●	Ohio U. ●	U. of Utah ●
Colorado College ●	Penn State ●	U. of Virginia ●
Colorado State ●	Pomona (CA) ●	U. of Washington ●
Columbia (NY) ●	Princeton (NJ) ●	U. of Wisconsin ●
Connecticut College ●	Purdue (IN) ●	Vanderbilt (TN) ●
Cornell (NY) ●	Rhodes (TN) ●	Vassar (NY) ●
Dartmouth (NH) ●	Rice (TX) ●	Virginia Tech ●
Davidson (NC) ●	Rutgers (NJ) ●	Wake Forest (NC) ●
DePauw (IN) ●	Sarah Lawrence (NY) ●	Wash. & Lee (VA) ●
Dickinson (PA) ●	Scripps (CA) ●	Washington U. (MO) ●
Duke (NC) ●	Shippensburg (PA) ●	Wellesley (MA) ●
Emory (GA) ●	Skidmore (NY) ●	Wesleyan (CT) ●
Florida State ●	Smith (MA) ●	Whitman (WA) ●
Franklin & Marshall (PA) ●	Stanford (CA) ●	Williams (MA) ●
Furman (SC) ●	Trinity (CT) ●	Yale (CT) ●
Georgetown (DC) ●	Tufts (MA) ●	
Georgia Tech ●	Tulane (LA) ●	
Gettysburg (PA) ●	Union (NY) ●	
Grinnell (IA) ●	U. of Arizona ●	

For university systems with more than one campus, data here refer to the largest campus.

Source: FIRE research, 2003. For more colleges see TAEmag.com/FIRE.

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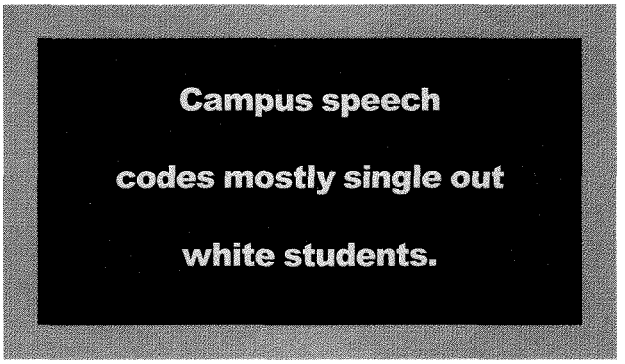
single out. Speech code proponents who spoke with *TAE* were honest about favoring a racial double standard, on the grounds that history and emotion leave non-whites especially vulnerable to insult. "There has to be a different standard," argues Stanford Law Professor Tom Grey, who defended that university's speech code before it was overturned.

Speech-restriction proponents like Grey argue that the new-style "harassment" codes are actually mandated by federal law that requires universities to avoid a "pervasively hostile environment." But Grey, though a tenured professor at one of the nation's best law schools, seems not to understand what even first-year law students learn: Federal harassment laws and regulations apply only to employer-employee relationships, not to life generally. A male student who makes a crude sexual comment about a female classmate has behaved boorishly, but hasn't violated any law. And even in workplaces, employers don't have a legal obligation to take disciplinary action against employees who make "hostile" remarks to their peers. It is supervisory relationships that the federal law is primarily concerned with policing.



Colleges have no obligation to crack down on individual students for gender-related comments. Nor are they under any legal obligation on the racial front. No American court has ever upheld a right never to be offended.

How did speech codes become so pervasive in our supposed cradles of open inquiry? Experts point to two trends: the rise of 1960s radicals to positions of power on college campuses, and an influx of academically underprepared minority students as a result of affirmative action.

As the rest of the country turned rightward in the late 1970s and '80s, many radicals clustered on campuses. Meanwhile, ill-prepared minorities were being pulled into universities in ever greater numbers. Thanks to racial preferences, many of them were promoted to a higher echelon of college than their achievements merited, and they struggled as a result. Many banded together defensively in racial affinity groups, which in turn sparked campus frictions. Rather than confronting low achievement and racial identity politics head-on, administrators found it easier to simply ban as "racist" any politically inconvenient thoughts and arguments.

The ironic result, notes Harvey Silverglate, a Boston civil liberties attorney who co-founded FIRE: "You had a generation that was talking about free speech all of the time. And then when they got into positions of power, their first response was to restrict it." The influx of minority students, Silverglate argues, provided a justification for censorship.

"With the rise of minority groups on college campuses there was something of an increase in intolerance," agrees Vanderbilt professor Carol Swain, a black critic of affirmative action. University administrators, she says, "tried to keep a lid on things and create an environment where minority students wouldn't have their feelings hurt." Swain doubts the formal repeal of speech codes would even have much effect at this point. "The institutions don't need speech codes any more," she says. "Those who think the wrong way will just be censored by their peers. There are some issues you just don't discuss."

There is no evidence that minority students fare any better at schools which have speech codes. Nor is there much being said on campus that's particularly inflammatory in the first place. Grey, the Stanford speech codes defender, admits that racial and sexual harassment aren't major problems at any college he knows of.

Speech codes make immensely patronizing assumptions about minority and female students: that they are so emotionally fragile that a simple insult will disrupt their ability to get a quality education. Students capable of overcoming broken families, awful schools, and chronic neighborhood violence are assumed to be at risk of failing in their educational endeavors if peers make rude remarks. These condescending "protections" offered by college administrators are unnecessary.

Some types of campus restrictions on speech may be defensible. Private institutions that make it clear their educational programs emphasize leftish values (such as Pennsylvania's Swarthmore College) shouldn't be prevented from carrying this out for students who want it. Pervasively religious colleges (like Yeshiva University), likewise, would lose their essential character if students were allowed to undermine the principles of the institutions' faith.

In the main, however, college speech codes stand on shaky legal ground. Those at public universities are plainly un-Constitutional. And private schools that maintain speech codes while advertising themselves as places devoted to free and open inquiry could face civil suits for breach of contract.

Working with a bevy of public interest legal groups around the country, FIRE plans to launch a challenge to campus speech codes in every one of the U.S.'s judicial circuits. The effort will begin with a soon-to-be-announced lawsuit against a university in the Third Circuit (which covers Delaware, New Jersey, Pennsylvania, and the U.S. Virgin Islands), and then expand across the country. "Our hope is if we lose some of them in the district courts, we can appeal them to the courts of appeals, where we will win," says FIRE head Thor Halvorssen. If two circuit courts of appeals disagree on the Constitutionality of speech codes, a case could go to the Supreme Court to set a binding legal precedent for the entire country. (Updates on FIRE's challenges will be available throughout the spring at TAEmag.com/FIRE.)

Created by radicals demanding heightened racial sensitivity, campus speech codes turn out to be far more insidious and destructive than any residual racism they might quell. "Speech codes have to go," summarizes Halvorssen. "Students need to be free."

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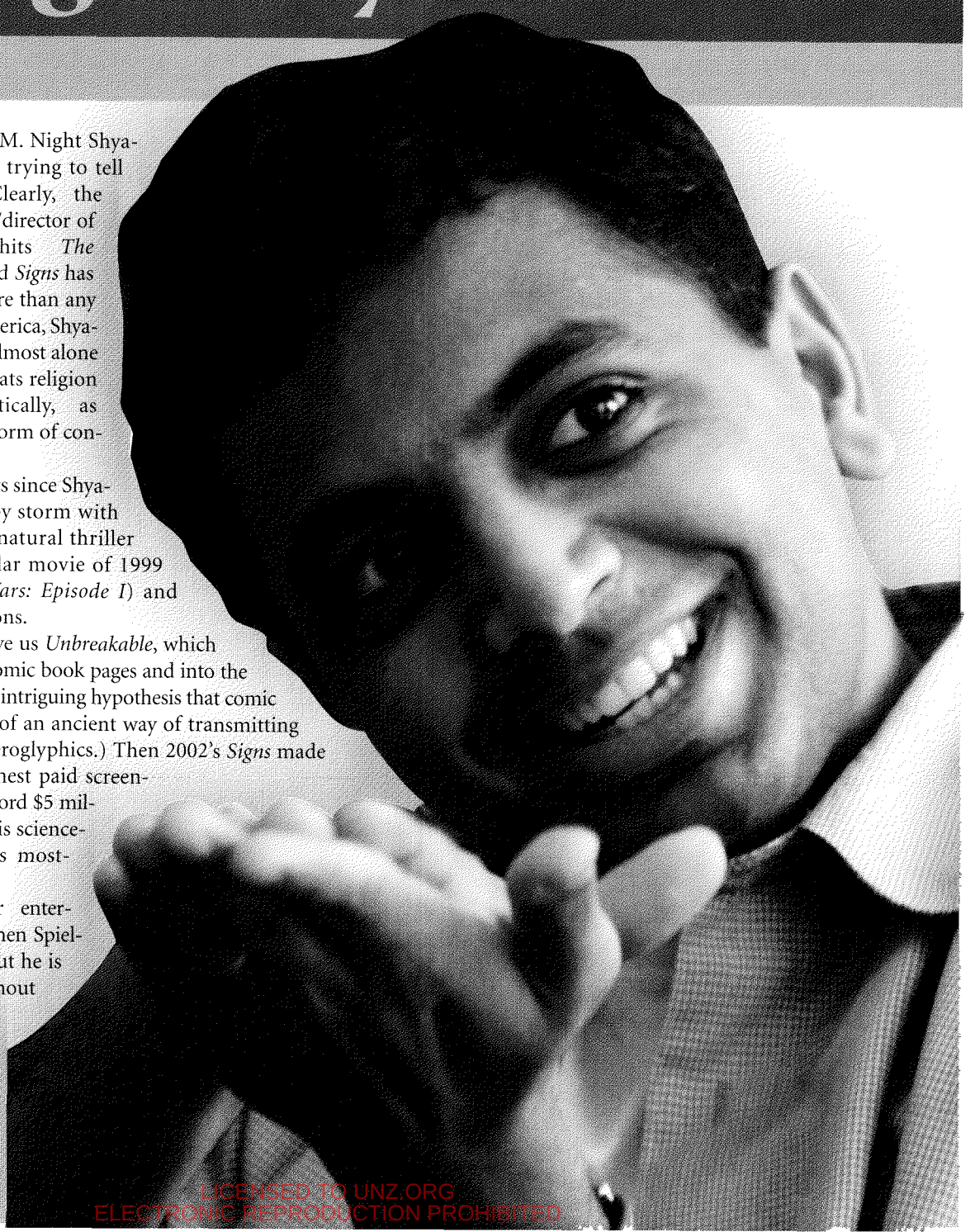
The Benevolent Universe of Filmmaker M. Night Shyamalan

By Don Feder



What is M. Night Shyamalan trying to tell us? Clearly, the writer/director of mega-hits *The Sixth Sense*, *Unbreakable*, and *Signs* has something on his mind. More than any other popular director in America, Shyamalan deals with big ideas. Almost alone among his colleagues, he treats religion seriously and sympathetically, as opposed to the Hollywood norm of contempt and condescension.

Has it been only four years since Shyamalan took the box office by storm with *The Sixth Sense*? The supernatural thriller was the second most popular movie of 1999 (surpassed only by *Star Wars: Episode I*) and received six Oscar nominations.

The following year, he gave us *Unbreakable*, which took the super hero off the comic book pages and into the real world. (It begins with the intriguing hypothesis that comic books are the last remnants of an ancient way of transmitting knowledge, like Egyptian hieroglyphics.) Then 2002's *Signs* made Shyamalan Hollywood's highest paid screenwriter (Disney gave him a record $5 million to write the script for this science-fiction story) and America's most-watched director.

Shyamalan is a master entertainer—a cross between Stephen Spielberg and Alfred Hitchcock. But he is Spielberg for grown-ups, without the glitzy special effects and collection of lovable aliens, adoring androids, and time-traveling teens. In Shyamalan's universe, there

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In Shyamalan's world there is death, alienation, loss, and pain. But there is also hope, reconnection, redemption, and transcendence.

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Mel Gibson and other cast members in *Signs*.

is death, alienation, loss, and pain. But there's also hope, reconnection, redemption, and transcendence.

Audiences are entranced by his subtly defined characters, complex camera angles, signature devices (characters seen through their reflections in various objects), mounting suspense, plot twists, and surprise endings. He can scare us without resorting to graphic gore, and touch us without emotional overload. His films have substance that places them well outside the horror flick genre. "I hope when people see my name in connection with a movie, they think in terms of quality, emotions, power and excitement," says Shyamalan. Millions of moviegoers do.

But Shyamalan has his detractors as well. In a review of *Signs*, Stephen Holden of the *New York Times* complained: *The Sixth Sense* "left me feeling manipulated by a spiritual huckster. And so does *Signs*."

The *Village Voice* and the *New York Observer* gave *Signs* a thumbs-down as well. Yet as critic Terry Teachout noted in *Crisis* magazine, "reviewers in such far-flung cities as Chicago, Dallas, Salt Lake City, and Crystal Lake, Illinois"—in other words those writing for newspapers more connected to Middle America—"thought it was terrific." Leave it to the religion-phobic nihilism-loving critics of the Manhattan media to be offended by Shyamalan's search for higher meaning through film.

Secularist reviewers who disdain Shyamalan's religiosity are joined, in a classic case of Left meets Right, by some evangelical movie critics. These writers denounce what they regard as occult or New Age elements (ghosts, aliens, etc.) in Shyamalan's movies. Some of these critics fret that the director is trying to smuggle Hindu concepts into his work.

The man who was born Manoj Nettiyalu Shyamalan (Night is a literal translation of his middle name) in India on August 6, 1970 was raised a Hindu. He says he's a less pious one than his mother and father or wife. His physician parents brought him to America as an infant, and he was raised in an affluent Philadelphia suburb. In cameo appearances in three of his films he speaks completely unaccented English.

Shyamalan attended a Catholic parochial school. There, he earned the highest grade in his religion class, and apparently absorbed many elements of Catholicism (which regularly appear in his films). "The teacher got upset that I got the best grade and I wasn't a Catholic," Shyamalan reminisces.

Night (as his friends call him) is anything but an orthodox Hindu. "Faith is something very different than religion for me," Shyamalan told an interviewer for the *Los Angeles Daily News* in 2001. "Religion is some group saying their particular version of God is the right version, and that's hard for me to accept.... The guy in Nepal, and the little boy in Africa, and the old man in Maine—all three of them with very different versions of God—and maybe none of them are right? I just can't believe that. There has to be some unifying thing."

"I believe in believing," states Shyamalan. While that admittedly sounds a tad Shirley MacLaine-ish, consider where Shyamalan goes with it. He concludes that "the biggest question you can ask" is whether God is real (which is the same as wondering whether, ultimately, life and the universe have meaning).

Shyamalan asks that question repeatedly in his films, which are all heavy with religious symbolism. In *The Sixth Sense*, little Cole Sear—"Seer"?—(who sees "dead people") takes refuge from his apparitions in a Catholic church where he first meets psychologist Malcolm Crowe (Bruce Willis). During the encounter, Cole repeats a phrase in Latin from Psalm 130—"Out of the depths have I called Thee, O Lord." The boy also steals religious statues (set up with votive candles in a blanket tent cum shrine erected in his bedroom) to protect him from the spirits of the violently deceased.

In *Unbreakable*, Bruce Willis' super hero "costume" is a hooded poncho. Thus the man who occupies the role of protector of the innocent has the appearance of a medieval monk preparing to exorcise evil. Willis' protagonist, who's willing to suffer in order to save, is neatly contrasted with comic-book art dealer Elijah Price, who commits mass murder to discover if he too has a destiny.

Signs is about an Episcopal priest who loses his faith after his wife's death in a freak accident. He leaves the priesthood to raise his two young children on a Pennsylvania farm. Ultimately, his wife's dying words turn out to hold the key to saving his son's life.

In Shyamalan's films there are no coincidences. There is no blind luck. The universe is benevolent. With faith, even tragedies lay the foundation for hopeful endings. In the last scene of *Signs*, we find Father Graham Hess, played by Mel Gibson, wearing his clerical collar again, reconciled with his God.

"I can't think of any other Hollywood film made in the past quarter-century that sides so forthrightly with belief over disbelief," says Teachout of *Signs*. While that's an exaggeration—there was the beautifully crafted *Shadowlands* (1993), based on Christian apologist C. S. Lewis' marriage to Joy Gresham, and *A Stranger Among Us* (1992), set in a New York Hassidic commu-

Don Feder is a Boston writer who last covered the movies for TAE *in his dissection of today's wimpy Hollywood leading men (July/August 2002).*

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His films suggest our lives aren't ruled by chance, but guided by a grand design.

Haley Joel Osment and Bruce Willis in *The Sixth Sense*.

nity—it's striking that not just one but *all* of Shyamalan's movies endorse a religious worldview.

Gibson, a devout Catholic who has made many movies outside the Hollywood mainstream, observes: "The humanity in *Signs* comes from the spiritual element, because all of us have within us an instinctual thing that wants to reach for a higher place, that has a suspicion that there is a higher realm outside ourselves that exists and influences who we are. We all ask that question: 'Why the hell am I here?' That's human nature. And Night gives us a big dose of that human nature in the film."

Reaching out for a higher realm is the pervasive element in Shyamalan's work. There is a parochial school boy who's looking for God, a tormented child who wants to know if he's a "freak" or blessed with an extraordinary gift, the sole survivor of a train wreck who wrestles with the sense that he has a destiny to fulfill, a lapsed cleric who's struggling to believe again.

There are other recurring themes as well. All of Shyamalan's films feature a protagonist who's suffered a loss—the death of a loved one in *Signs* and Shyamalan's early movie *Wide Awake*, the emotional separation of the lead character from his wife and son at the beginning of *Unbreakable*, loss of a parent through divorce in *The Sixth Sense*. All of these films involve decent people trying to overcome trauma in their lives. And all achieve a sort of redemption through acts of bravery, kindness, or sacrifice.

In two films, *Wide Awake* and *The Sixth Sense*, the main character is a child. In *Unbreakable* and *Signs*, children help to point the hero in the right direction. Then there are the ever-present supernatural or paranormal plot devices—an angel in *Wide Awake*, ghosts in *The Sixth Sense*, a man who's impervious to injury in *Unbreakable*, and an alien invasion in *Signs*.

The key to fully understanding Shyamalan may lie in his first film, *Wide Awake*. This 1998 picture was a box-office bomb (despite its strong cast including Robert Loggia, Dana Delany, and Denis Leary), and the only comedy the director has made to date (though he wrote the script for *Stuart Little*).

Wide Awake depicts a year in the life of Joshua Beal, a fifth grader in a Philadelphia Catholic school. As the movie opens, Joshua has just lost his beloved grandfather (Loggia) to bone cancer. He is utterly uninterested in school, and has to be dragged out of bed each morning by his parents. Then Joshua announces: "I'm going on a mission. I'm going to look for God to make sure my grandpa's OK."

When he learned that his grandfather was dying, the boy asked him if he was afraid. No, the grandfather replied: "You know, I'll be all right, because God will take care of me." But does God really exist? It is to reassure himself on this count that Joshua sets off on his spiritual quest. The quest leads to an encounter with an ailing cardinal, the beginnings of an adolescent infatuation with a girl (symbolically named Hope), and comic mishaps involving a variety of classmates.

Along the way, Joshua comes to empathize with other students—the fat kid who's always asking dumb questions because he's starved for attention, the bully whose bravado masks a deep-seated insecurity, and the class clown who's an epileptic. Finally, Joshua's compassion and good deeds are rewarded by an encounter with a child-like angel who assures him that his grandfather is indeed all right. At the end of the movie, Joshua gets ready for school easily. He is wide awake and attentive. Of course, there's a double meaning here. Josh is no longer a sluggish riser, but he's also newly awake to the needs of those around him, and to the existence of a higher realm.

So it is with the titles of other Shyamalan films. Does a "sixth sense" indicate the ability to communicate beyond the grave, or does it suggest a talent for understanding the pain of others, and helping them resolve their problems? Are the "signs" in Shyamalan's most recent movie the circular flattenings of crops in fields all over the world, or are they signposts—phenomena which indicate that our lives aren't ruled by chance but are guided by a grand design? "Always hold on to your faith. Faith will get you through," grandpa tells Joshua in *Wide Awake*. And that's what Shyamalan tells us in every movie.

In the end, Shyamalan's characters wake up, develop a sixth sense, and see the signs pointing to a life of meaning. They do this not through ghostly experiences, close encounters of the creepy kind, or other manifestations of the paranormal, but rather through mundane, ordinary human interaction. Specifically, faith is achieved through empathy, sacrifice, heroism, and acts of kindness.

From Joshua Beal to Graham Hess, Shyamalan explains to his audiences that this is how humans encounter God. Or, perhaps, this is how they make themselves worthy of an awareness of God, and of a share of his blessings.

M. Night Shyamalan, only 32 years old, is on his own spiritual voyage of discovery. Even saints don't reach the end of such a trip during their earthly existence. ("Doubts are part of everyone's journey," explains a priest in *Wide Awake*.) But in the meantime, Shyamalan is looking inward and upward, and giving viewers glimpses of his own inner dialogue. These thoughts and images are uncommonly well worth the price of a movie ticket.

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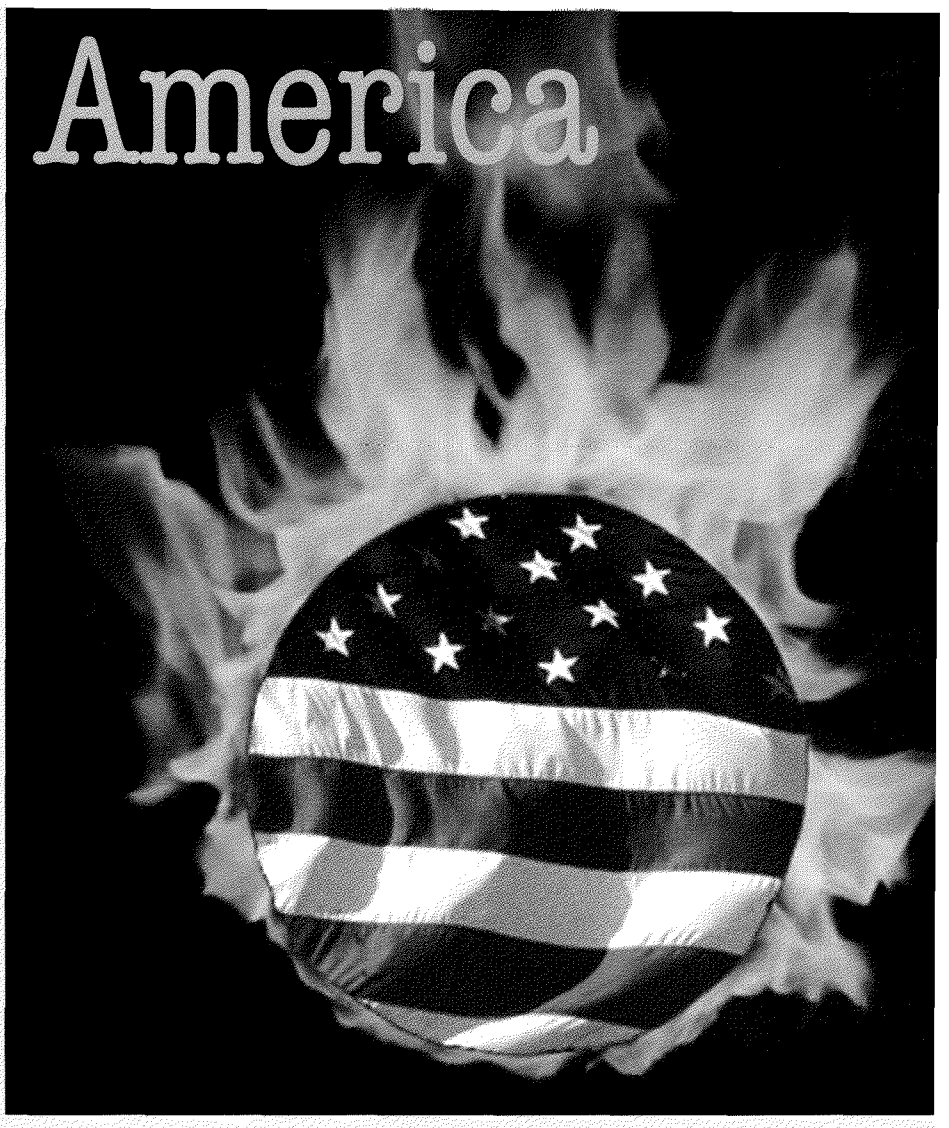
Hating America

By Andrew Sullivan



I can remember the last time I was an anti-American. It was 18 years ago, wincing at the vulgarity of the Los Angeles Olympic Games. I threw in the towel when Lionel Ritchie was a key feature of the opening ceremonies. Or was it the choreographed Elvis impersonators? I can't remember now. The sheer crassness, commercialism, and unabashed American nationalism turned this young Brit off. It was a combination of exuberance and sheer power—enough for a young European to affect elevated disdain.

But disdain for what? America? The very idea, I came to realize, is preposterous. America is many things—now, perhaps, more than ever. It is rural Alabama and urban San Francisco. It is Michael Moore and Jerry Falwell. It's Colin Powell and Don Rumsfeld. It's MTV and the right to bear arms. It's a country that still won't accept a one-dollar coin but embraced the Internet with the enthusiasm of a teenage crush. It's cowboy country in Wyoming and Little Havana in Miami. It's Rambo and the "Sopranos." It's Little Vietnam in the exurbs of Virginia and mega-churches in suburban Houston. Anyone who despises all this despises not America but humanity. And humanity in one of the most daring multicultural, multiracial experiments in human history.

Of course, most anti-Americanism today doesn't deal with this complex reality. It deals with the fact of American hyperpower, and its impact on the broader world. In this sense, we're seeing a new form of anti-Americanism. It's anti-Americanism without the counter-balance of fearing the Soviet Union. And it's anti-Americanism without positive faith in something like socialism or Marxism. This makes it in some ways a purer anti-Americanism, one that simply hates American power, rather than one that posits any credible alternative.

And it's magnified by the relative growth of America's power. The post-Cold War 1990s, after all, saw economic stagnation and rapid disarmament in much of Europe, combined with a massive boom and military investment in the U.S. What was once dominance has become *de facto* hegemony.

So anti-Americanism now looms in the world's psyche without any of its erstwhile anchors. It isn't tempered by fear of a rival superpower; it isn't fortified by a vital economic or political alternative. And when American power is actually deployed, this free-floating animosity mutates into a kind of hatred.

Do I exaggerate? Just take a look at some of the "anti-war" demonstrations in Europe and the U.S. "Bomb Texas. I Like Iraq," was a recent slogan. "Bush is the Real Terrorist" announces another. The imputation of evil motives to this White House among otherwise intelligent people is now simply routine. It is a given that the United States could not be sincere in its attempt to rid the world of Saddam's weapons of mass destruction. It has to be a cloak for an oil-grab; or a Zionist conspiracy; or a corporate coup. Bush's cabinet, according to John Le Carré, is a "junta,"—no different in legitimacy than the junta raping Burma or the military dictator in Pyongyang.

The anti-Americanism I'm speaking of is not designed to persuade the United States to alter its policies in one arena or another. It's designed to demonize the United States as a whole, to portray it as almost morally equivalent to the Islamist terrorism it is trying to hold back. This anti-Americanism (which embraces the far Left and elements of the far Right as well) rarely proposes anything positive. And as it recites its mantras of anti-American contempt, and summons every American failing of the past 50 years without ever crediting America's successes, it marinates in its own resentment.

Adapted from Andrew Sullivan's column in the Sunday Times of London.

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In their hatred of the United States, today's anti-Americans even find themselves close to making excuses for the barbarity of Saddam Hussein, the cruelty of the Taliban, and the malevolence of al-Qaeda. There is something truly sickening in the sight of people who call themselves liberals finding more fault in America than in the dictatorships now pitted against the West.

The facts don't seem to matter. America is portrayed as an imperial force dedicated to what a Harvard professor recently described as "the crushing and total humiliation of the Palestinians." Yet it was an American President, Bill Clinton, who only a few years ago brokered a deal that offered the Palestinians sovereignty over 98 percent of the West Bank and Gaza. (Arafat said no and his people are still living with the consequences.) America is described as waging a war against Muslims. Yet in almost every recent American intervention—in Somalia, Bosnia, Kosovo, and Afghanistan—it was for the sake of the security of Muslims that American soldiers risked their lives. America is described as relentlessly pro-Israel. But America gives almost as much foreign aid to Egypt and Jordan.

America is described as imperialist. But in Afghanistan, recently liberated by the U.S., the Americans have done all they can to set up an indigenous government, capable of self-rule, and are pouring millions of dollars into reconstruction. America is described as unilateralist. Yet, after the worst terrorist attack in modern history, the U.S. patiently assembled a coalition to rid the world of al-Qaeda's Afghan bases, and has waited 11 years while Saddam has violated almost every term of the 1991 truce. Even now, the U.S. has gone painstakingly through a U.N. route to achieve its goals.

These are simply the facts. But in the new cult of anti-Americanism, facts seem irrelevant.

> We're seeing a new, purer anti-Americanism, one that simply hates American power rather than positing an alternative.

I'm happy to wager that history will find Tony Blair's resistance to this kind of cant as one of his signal achievements as Britain's prime minister. Blair is a liberal realist. He knows America isn't perfect; but that its power is essentially a positive force in the world. Without America, Europe would still be under the shadow of an al-Qaeda still lurking undeterred in its Afghan lair. Without America, Saddam might be sitting pretty in Saudi Arabia today with an arsenal of nuclear, chemical, and biological weapons. Without America, there would be no united Europe, and there would be no new democracies in Eastern Europe ready to join. If that's the consequence of an American empire, then Europe is its chief beneficiary.

How Weakness Turns Anti-Americanism Into Terrorism

Why do people hate? Sometimes, because they have suffered what they consider to be wrongs. That's why America's founders counseled us to have as little political intercourse as possible with foreign peoples and not to interfere in their affairs—precisely because we have little control over what others consider offenses.

Mostly however, people hate not because of anything others do, or even because of who others are, but because they tend to blame others for their own unhappiness. Hence, it is not in the power of America or of any other country to reduce others' hate for it. Even as American troops were liberating France from the Nazis, French intellectuals were telling each other that America was a dastardly enemy. Such attitudes are the problems of the people who have them. We can't change them. The rage comes from resentment of their own failures, and is very much their problem.

But it takes an additional active ingredient to turn anti-Americanism into terrorism. That ingredient is contempt. And others' contempt for us is entirely our fault.

People have contempt for those they consider impotent. The deadliest contempt is reserved for those who have great power but somehow cannot use it. Contempt is the bite that the jackal inflicts on the stricken or befuddled lion. Contempt for America makes vile European intellectuals feel like men. Flouting America with impunity, declaring moral superiority over it, bribing businessmen and politicians, allows Arab dictators to pretend that they are world statesman instead of bandits of the desert. And it is our fault, because we let them get away with it.

Terrorist acts against America are a subset of hatred and contempt for America that exists in various parts of the world. Terrorism is not a militarily serious matter. All the world's terrorists combined cannot do as much damage as one modern infantry battalion, one Navy ship, one fighter squadron. Terrorism is potent only when its targets deserve contempt.

The U.S. government earned the Arabs' contempt the hard way, by decades of responses to terrorism that combined empty threats, solicitude for the terrorists' causes, outright payments to Egypt and the PLO, courting Syria, a "special relationship" with Saudi Arabia, and a pretense that Islam is as compatible with American life as Episcopalianism. Killing individuals who do not count engenders hatred, while sparing those who do count guarantees contempt.

Victory against terrorists requires precisely the opposite approach: Make sure that any life devoted to terror will be a wasted life. This means leaving no hope whatever for any of the causes from which the Arab tyrannies draw such legitimacy as they have. It means discrediting and insofar as possible impoverishing (rather than paying for) Arab regimes that foster opposition to America. It means using military force to kill the regimes—the ruling classes—of countries that are in any way associated with terrorism.

America cannot possibly reform them. The choice is to suffer them, their causes, and their terrorist methods—or to kill them.

—Angelo Codevilla, *professor of international relations at Boston University, in the Winter 2002 issue of the* Claremont Review of Books.

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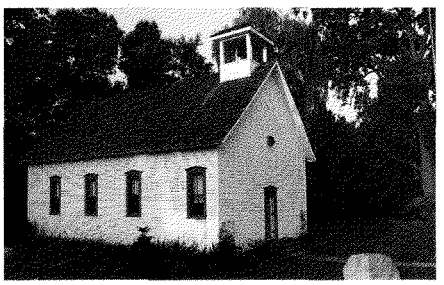

Associated Press, Midland Daily News

School Choice—Really

Back when our great-grandparents were children, trudging barefooted through blizzards to one-room schoolhouses warmed by the patriotic heat of Parson Weems and *McGuffey Eclectic Readers*, school "choice" meant just that: Parents had the *choice* of whether or not to send their young 'uns to the education factory. They lost that choice—but maybe everything that dies someday comes back.

Massachusetts was the first state to enact a compulsory schooling law, in 1852; by 1918 every state in the land of the free had abolished what had once seemed a basic freedom. The compellers blamed feckless American parents for bringing coercion upon themselves. As B. G. Northrop, secretary of the Connecticut State Board of Education, said in 1872: "To bring up children in ignorance *is* a crime and should be treated as such."

Compulsory education went fist in velvet glove with child-labor laws. The mines, mills, and farms in which young people labored were being emptied of children, as enlightened, usually childless progressives made war on the rights of rural and working parents to raise their children as they saw fit.

Parental resistance to compulsion was fierce. Coercive education was said to be "monarchical," "un-American," "un-Constitutional," and "inimical to the spirit of free democratic institutions." In 1848, the *North American Review* remarked of a typical parent in this original choice movement: "To compel him to educate his children would have been an invasion of his rights as a free-born Rhode Islander, which would not be endured."

From the start, compulsory education relied on military metaphors and brute threats. Educationist Calvin Stowe told the Ohio legislature in 1836, "A man has no more right to endanger the state by throwing upon it a family of ignorant and vicious children than he has to give admission to the spies of an invading army." One nineteenth-century zealot extolled the state's "right of eminent domain" over the minds of children. All in all, kid, you're just another brick in the wall.

What the anarchic American system needed was the lash of Prussian discipline, or so Americans were told. Martin Luther's 1524 letter to German rulers was widely quoted: "The civil authorities are under obligation to compel the people to send their children to school." Those authorities eventually obliged, when in 1717 Friedrich Wilhelm decreed that "parents are required on pain of heavy punishment" to place their children in state-run schools. A vast surveillance network of truant officers, police, and collaborating clergy saw to it that *Mutter und Vater* did their parental duty.

A 1914 U.S. Bureau of Education propaganda campaign aimed at the six Southern states lacking compulsory-education statutes praised the ruthless Teutons: "The successful enforcement of compulsory education has long been an enviable feature of the German school system."

Compulsion was the wave of the future, warned the agents of the Bureau of Education. Arguments for parental choice were "specious, superficial, and obsolete," declared the iron-fisted William H. Hand. The abolition of choice was "both modern and democratic." And so schooling became yet another basic function of the family expropriated by the state.

Except for the Amish, most Americans went supine before the statutes. Compulsory education gradually became one of those long-settled matters, like the existence of the income tax. The odd dissenter was written off as quaint or demented—until the 1960s and '70s, when a wave of New Leftish critics of Big Education, led by Paul Goodman and John Holt, took the paddle to what Goodman called "compulsory miseducation."

What the early progressives had found admirable—the regimented Prussian pedigree of forced schooling—the New Leftists found repellent. As Judson Jerome argued, "Compulsory education, like compulsory love, is a contradiction in terms. Where there is compulsion, a person... learns to be docile or rebellious; he learns to sit still for long hours without thinking; he learns to fear or hate or be sickeningly dependent upon authority figures.... If schools remain, the first business of the day should be to establish clearly and unequivocally that anyone is free to leave."

Ivan Illich, among the most prominent of the radical critics of schooling, called for a new amendment to the Constitution: "The state shall make no law with respect to the establishment of education." Illich died several months ago. His amendment, a mere 38 states shy of ratification, is an adorably truant orphan just waiting to be adopted.

—Bill Kauffman

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Inside Expert

Constitutional Conservative

If the Supreme Court uses two current cases against the University of Michigan to overturn the use of racial preferences in college admissions, Americans will have Michael Greve to thank. As a founder of the Center for Individual Rights, Greve led the initial litigation in both cases. Born in Germany and the holder of a law degree and a doctorate from Cornell University, Greve currently heads an AEI project that seeks to protect American federalism. He spoke with TAE *senior editors Eli Lehrer and Karina Rollins.*

TAE: Are racial preferences at public universities Constitutional?
GREVE: No, they are not. The 14th Amendment presupposes racial neutrality. The Constitution is colorblind. Conflicts along racial lines are more pernicious than any other imaginable division. The only baseline on which everyone can agree is one of absolute, uncompromising racial neutrality.
TAE: Courts haven't upheld racial preferences in decades. Why do they persist?
GREVE: Courts have also never decisively prohibited them, and that creates all sorts of room for political infighting. An awful lot of people crowded into the lifeboat of preferences. It started out about blacks, then, in order to sustain itself, the system mushroomed and crowded additional favored constituencies under the principle of compensatory preference.
TAE: What do you think the chances are of the Supreme Court finally making a decisive statement on racial preferences in the University of Michigan case?
GREVE: I think it's a foregone conclusion that the University of Michigan will lose both cases. I don't see any way to save the university's position. My personal hope is that the Supreme Court will recognize the need for a clear conceptual rule. It has to realize that the specific mechanics of the system don't matter; the only way to get beyond race is to…well…get beyond it.
TAE: The Bush administration's brief in the Michigan case argues against the university's racial preference scheme, but takes for granted that diversity is a good thing. Are the Bushies not going far enough?
GREVE: They take an intellectually incoherent position. There are a million ways to get racial diversity without discriminating. You could simply have a lottery. The result would be that the University of Texas Law School, for example, would no longer be number 12 in the country, it would be maybe number 45. Do universities love diversity so much they are willing to surrender their elite status to achieve it? I don't think so. They prefer to use racial discrimination and quotas so they can have it both ways. That's why I think the claim that diversity is a "compelling interest," is insincere.
TAE: How would you rate the Bush administration's general record on federalism—respecting the rights of states, and keeping a balance between national and local governmental power?
GREVE: C-. Just short of destructive. There's this abomination of an education bill, which is just the pits. And there's been a complete lack of imagination as to how mandates might be lifted from the states to help alleviate their current fiscal problems. The answer isn't for the feds to give the states more money.
TAE: During the 1950s and '60s segregationists used the rhetoric of states' rights. This gave federalism a bad name. How can the image of federalism be rehabilitated?
GREVE: First, we need to stop talking about states' rights. The idea that federalism empowers states is a misconception. Federalism puts the states under competitive pressures. Once you conceptualize it from that vantage point you see that federalism doesn't consist of giving states the right to trample on their own people.
TAE: So how does this philosophy you've just articulated apply to the tobacco settlement? What's wrong with the settlement?
GREVE: It's emblematic of many things that have gone wrong in recent American federalism. The tobacco deal granted some states permission to exploit their sister states. In the end, no state can opt out.
TAE: Many Americans believe that trial lawyers have become too powerful. What are some concrete achievable steps to reign in the power of trial lawyers?
GREVE: Trial lawyers take what the system gives them. The problem is that today's system gives them too much. The present Supreme Court is not willing to rebuild the Constitutional protections that stopped this.
TAE: You live here and defend the U.S. Constitution, but you're not a U.S. citizen. Why?
GREVE: I'm a refugee from the German welfare state. But I loathe the U.S. Immigration and Naturalization Service bureaucracy. That's all there is to it. If I could become a citizen by filling out a form on the Internet I would do so in a second.

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A Recipe for School Chaos

By Matthew Clavel

THE BRONX, NEW YORK—As a fresh Teach For America recruit in the South Bronx four years ago, I learned that the way a school was run could be the most important factor determining the success in my classroom. Here's why.

For the first hour or so every morning, most of my fourth graders would sit quietly, work diligently, and strive for praise from the teacher. As the day wore on, though, they would get jumpy. Our routines got weaker and weaker as lunchtime approached.

Any slight interruption, any disturbance in our delicate momentum, could cause heads to swivel around and an inexplicable murmur—it actually sounded like "mrmrrrrrr…"—to erupt and swell throughout the room. That's why announcements on the public address system could be so exasperating. I would be leading a discussion on a story, or explaining a math problem, and suddenly I couldn't hear myself:

"Mrs. Bright, please contact the main office. Mrs. Bright, please contact the main office." It was all my kids needed. "Mrmrmrmrmrrrrrrrr…."

"I need to see everyone's eyes up here. Troy, let go of her hair. I like how Tiffany is sitting quietly—nice job. Maurice, those chips are off limits until lunch. Who can tell me another way to write two fourths?"

"Mrrrrr…mrrr…."

This was an inner-city classroom, and the children needed to be left alone to focus. Couldn't my school's administrators see that? Apparently it was easier for people in the main office to disturb the entire school of 1,500 students in order to track down one person. All day every day we were beset by inane announcements:

….

"Mrs. Bright, please call the main office… (long pause) Mrs. Bright, Joanie in the office needs to talk to you."

….

"All money for the candy sale needs to be in by next week. All money for the candy sale *must* be in by next week, or it will not be valid. Please make a note of it."

….

"Could I have everyone's attention, PLEASE. The second grade math workbooks have arrived. Please send two monitors to Ms. Ewing on the first floor."

….

I am not exaggerating. On bad days, we'd endure 20 or more concentration-wrecking announcements. This was a very big deal. It was already difficult to capture the attention of these children. And here we were being actively undermined by a lazy administration.

There were plenty of other interruptions. Almost every Friday afternoon (do I need to tell you the kids were already itchy on Fridays?), a motley band of interrupters invaded my classroom. I actually jotted down the people who came in one day: a school nurse, a rep from the parent association, a security guard who seemed to want nothing more than to play with a couple of my students, then another teacher asking what time it was.

Any chance at capturing the attention of these children was undermined by a lazy school administration.

During the rest of the week, administrators pestered us with questions. And every day a few kids would get picked up for "Resource Room," speech therapy, a special reading class, you name it. I knew that little was being taught in some of these special programs, and would have preferred they skip my classroom. After each disruption had run its course I had to fight to establish order again.

The kids were already unable to pay attention adequately. Some of them had chronic problems with interrupting me or their peers, constantly calling out without raising their hands. Almost all of them were far behind where they should have been at their age. This situation was made much worse thanks to adult carelessness at the school.

For me as a teacher, it was hard to deal with the unprofessionalism. For my children, it was a pedagogical disaster.

Matthew Clavel taught school in Harlem and the Bronx, and is now writing a book on education reform.

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Inner Drives on the Hard Drive

By Marilyn Penn

NEW YORK CITY—I started playing Scrabble over the Internet last year. It's allowed me to make some interesting discoveries—about games, about people who play them, and about the influence of the World Wide Web.

Players on the games.com site I use must register their "handles" if they want to be rated. This offers a double bonus: a chance for self-expression, plus complete anonymity. Names range from the benign to the salacious, with many permutations in between. I've played with "cheater" (he was), "sexylegs," (a strong player despite the image), and "mywayisall" (a quitter when it wasn't). I've learned to be wary of players who've given themselves aggressive names (like "warlord")—not because their owners play more fiercely, but because they seem to get vindictive when they fall behind.

You would think that people who enjoy a cerebral, sedentary pastime like Scrabble would be on the gentle side of the human spectrum. Lovers of vocabulary are not your stereotypical swimmers with sharks. But we get our share of bad losers. If an online Scrabble player decides not to move at all, there is nothing his opponent can do to force him. If the board is idle long enough, both players will be disconnected, and both will have points deducted from their rating. This fault allows a spiteful loser to prevent the victor from profiting from his conquest.

Players are highly competitive. That's a good thing for those who wish to keep honing their skills. Many of the most unusual words I've picked up have been at the losing end, as my opponent whipped out gloze, killdee, woald, or jiao.

But I wasn't prepared for the nastiness on the chat bar, the spiteful sabotaging of games, or the lewdness of what I hope are adolescents blowing off steam. These ugly aspects of my hobby are entirely byproducts of playing on the Web, I've decided. The Internet is like a masked ball—you can act out your wildest fantasies without being recognized or stigmatized. This fuels unstable people to misbehave more freely more often.

On the Web, unfortunately, you are free to revert to a more primal state.

Anonymity bestows power on insecure people. And the Internet facilitates immediate exposure and gratification for show-offs. Last week, some pervert sullied the air with a riff about defecation and sex that lasted for about 20 minutes. There was no one to shut him up, and no way to boot him off. Occasionally, other players will object to the prurience, but that often just gives the closet exhibitionist an extra thrill. I'm surprised that people choose a Scrabble site for these displays, but perhaps they get an extra frisson from shocking quiet people.

Playing any game on line allows an individual the privacy to cheat. You can always tell when someone is looking up a word before deciding whether to challenge—there's a time lag before the challenge button is pushed. Some cheaters use a word descrambler on another Web site, something you obviously couldn't do in person. If you aren't competitive about your own ratings, playing against a partner aided by a computer can make the game more challenging. Of course the game becomes completely one-sided and unfair.

Quitting when you're losing is another low tactic. Quitters prevent the other guy from gaining points, even if he's earned them. This is generally not tolerated in face-to-face games.

On the Web, though, no one knows who you are, and you are free to abrogate the rules of good sportsmanship and revert to a more primal state. Recently I played against a woman who was 200 points behind. She refused to go gently into the night, and instead kept putting her letters in places that connected high scoring words, effectively creating nonsense words. The first time she did this I challenged her and of course her word was removed. By the third time I decided to let her get away with "quiverwvjoust" (80 points), because I realized she'd keep on doing it and I really just wanted to end the game.

On the positive side, having played with participants from all over the world I can say that most people are friendly, spirited, and conscientious. I've locked horns with students, grandpas, young mothers, and people at work (I hope they're bosses and not employees). One day I had some carpet cleaners in my home, and while I waited for them to finish I logged on to a game. One of the workers, a strapping young bodybuilder, kept glancing over at what I was doing. Assuming that he hadn't seen this site before, I proceeded to explain. "I know," he said, "I play on that site. I was looking at your moves to see if I agreed with what you were doing."

My favorite opponent was a Korean man playing from Seoul. His chats were formal and revealed that he had not been raised speaking English. Nevertheless, he was beating me handily, and close to the end of the game, when there were just a few tiles left, I conceded that he would win since I was holding the "q" with no place to put it. "I shall try to make a space for you," he said with grace, and he did.

I played my "q," but was delighted that he won anyway. He didn't abandon decency just because no one knew who he was. He carried it the extra mile, to a grand gesture of gallantry. I shall remember that much longer than the score of any win I'll ever attain.

Marilyn Penn recently scored 284 points for one word in online Scrabble.

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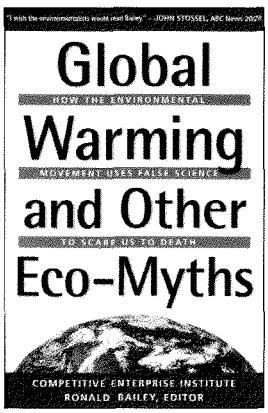
BookTalk

GREEN DREAMS AND NIGHTMARES

By William Leon

Global Warming and Other Eco-Myths: How the Environmental Movement Uses False Science to Scare Us to Death
Edited by Ronald Bailey
Prima Publishing, 320 pages, $24.95



Global Warming and Other Eco-Myths, a new book edited by *Reason* magazine's science editor Ronald Bailey, breaks no startling new ground. It does gather an impressive array of researchers to explain that the things environmentalists think they know aren't necessarily so. *Global Warming* follows up its injection of impertinent reality into public debate by demonstrating the links between environmentalists' bad science and their worse policies.

Take energy policy. Environmentalist solutions to non-existent energy shortages seem grounded more in science fiction than science fact. One of the most frequently proposed solutions is the fuel cell. Fuel cells emit no potentially dangerous gases into the atmosphere because they are not based on combustion. Instead, they chemically transform hydrogen into electricity. The devices are generally safe, quiet, efficient, and non-polluting. The technology is already in use in spaceships and as back-up power sources for hospitals and some vehicles.

They have serious drawbacks, however. *Global Warming* explains that the hydrogen which powers the cells has to *come* from somewhere—and that's usually natural gas, propane, or gasoline. While the cells are "clean" once generating, Greenies ignore the environmental impact of producing the hydrogen needed to fuel them. Creating hydrogen throws off emissions, including more carbon dioxide than is emitted by reformulated gasoline. In addition, hydrogen contains only one sixth the amount of energy of a comparable volume of gasoline. That means much larger tanks and many more refills will be necessary.

"Renewable" and "environmentally friendly" energy sources, despite the cries of activists, remain niche technologies—too costly or unruly for general use, compared to our mainstays of coal, natural gas, oil, and nuclear power. Innovation may eventually improve alternative energies' prospects, but so far, even with substantial government subsidies, progress has been slow. The Energy Information Agency predicts that by 2020 all "renewable" energy sources will account for less than 4 percent of the U.S. energy supply. In 1999 they contributed 3.37 percent.

Ironically, environmentalists often *slow* the pace of technological progress, rather than speeding it. While the American public sees many benefits in advancing knowledge and science, environmentalists see problems lurking behind every corner. In order to prevent "disaster," they insist that science and technology must be proven absolutely risk free before even being considered for use. The premier battleground for this philosophy has been agricultural biotechnology. A London University biologist calls genetically modified (G.M.) crops "worse than nuclear weapons or radioactive waste," while activist Jeremy Rifkin calls their introduction "the most radical, uncontrolled experiment we've ever seen." When the U.S. sent a shipment of corn and soy meal that included some G.M. varieties to aid the victims of a cyclone in India, activist Vandana Shiva declared that "the U.S. has been using the… victims as guinea pigs." (American consumers have been eating this food for years.)

This mindless resistance to new science has dire consequences. Having been informed by Greenpeace and Friends of the Earth that G.M. corn is "poison," the president of Zambia refused U.S. food aid, despite widespread starvation in his country. As Professor Tony Trewavas from the Royal Society of Edinburgh recognizes: "We would never have developed electricity, gas, or aeroplanes, or trains, or anything if we had ever taken that principle to heart in life."

Biotechnology is a boon to mankind. G.M. crops can raise farm yields, reduce the use of pesticides, and let farmers conserve precious topsoil. Biotech researchers can create plants that grow more quickly, resist drought and disease, endure temperature extremes, and provide increased human nutrition.

Activists like Shiva argue, along

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pseudo-Marxist grounds, that G.M. crops invest power in global corporations at the expense of poor developing farmers. They even criticize "golden rice." A perfect model of how biotechnology can help the world, golden rice is engineered to contain beta-carotene, which the body can convert into vitamin A. This could help prevent as many as 1 million deaths per year in the developing world, and eliminate many afflictions, including blindness. Scientists developed the rice primarily with funding from the Rockefeller Foundation, which promises to give the rice to developing world farmers at little or no cost. In resisting innovations like these, greens show the costs of fanaticism.

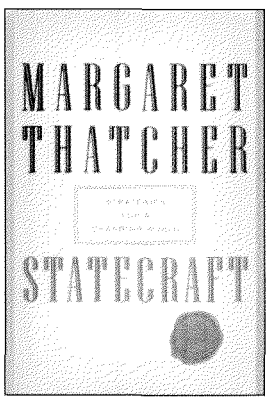
According to *Global Warming*, environmentalism is now "the only global ideological competitor to liberal democratic capitalism." Like Marxism before it, environmentalism "claims the mantle of objective science" to support its political programs. But when the science falters under the harsh glare of reality, so does the ideology. And, as this book demonstrates, both the science and the ideology are built on shaky ground.

William Leon is a research consultant in Washington, D.C.

OBVIOUSLY GREAT

By Leslie Carbone

Statecraft: Strategies for a Changing World
By Margaret Thatcher
Harper Collins, 512 pages, $34.95



In her latest book *Statecraft: Strategies for a Changing World*, former British prime minister Margaret Thatcher offers an approach to foreign policy and national security that is both practical and principled. "The demand that power be limited and accountable," she writes, "the determination that force shall not override justice, the conviction that individual human beings have an absolute moral worth which government must respect… are the bedrock of civilized statecraft."

The Iron Lady's discussion of Western aid to the Third World provides an example of how she derives policy from principle. She relies on the medieval Jewish philosopher Maimonides, who taught that "the highest level [of charity] consisted of raising the recipient up to the point at which he was self-supporting—a charity that removed the need for future charity." The Thatcher prescription: "A limited amount of assistance strictly targeted at helping…create the right framework for free-enterprise capitalism."

Mrs. Thatcher offers five conditions necessary for successful free enterprise: "private property," "a rule of law," "'culture'…conducive to free-enterprise capitalism and thus to economic progress," "diversity and competition between states," and "an encouraging framework of tax and regulation." Foreign aid that fosters such conditions will help the Third World care for its own far better than state-to-state transfers that reward misgovernment. As Thatcher notes, "The Third World is very much like the First World—just poorer: What works for the West will work for the rest as well."

Elsewhere Thatcher takes on another leftist sacred cow. She explains that "the current obsession with human rights" makes her "uneasy" because "rights no longer seem to mean what they used to do, and are being used to diminish not expand liberty."

She argues that the United Nations 1948 Universal Declaration of Human Rights confuses liberty

> with other things…which may actually be opposed to it. For example, the Convention proclaims such 'rights' as 'social security'…'the right to work…and to protection against unemployment'…'the right to rest and leisure'… 'the right to a standard of living adequate for the health and well-being of [oneself] and [one's] family,' and to 'education,' which among other things should 'further the activities of the United Nations for the maintenance of peace…. The document…displays a catch-all approach, in which numerous…aims are declared 'rights,' without recognition that their fulfillment depends upon circumstances and, above all, upon the willingness of one group of people to accept burdens on behalf of another.

In other words, fabricated rights which have to be *provided* by somebody else cannot truly be rights.

With such arguments, Thatcher overcomes one of the practical weaknesses of conservatism. Since conservative philosophy is based on reality not utopianism (unlike utopian-based leftist philosophy), conservatives often fail to state the obvious (because it seems self-evident to them). This puts conservatives at a disadvantage, because it keeps the obvious out of discussion and leaves leftist fantasy unchallenged.

Thatcher also makes short work of fabrications regarding the U.S. role in the Cold War. In an era of pervasive America-bashing, Thatcher's applause for the United States and American ideas is refreshing and courageous. "America alone has the moral as well as the material capacity for world leadership," she writes, and "America is uniquely equipped to lead by its historic and philosophical identification with the cause of liberty."

While implicitly acknowledging that Britain's "day" is over, Thatcher asserts that English ideas lie at the heart of America's greatness: "America is more than a nation or a state or a superpower; it is an idea—and one which has transformed and continues to transform us all. America is unique—in its power, its wealth, its outlook on the world. But its uniqueness

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has roots, and those roots are essentially English…. It was from our Locke and Sidney, our Harrington and Coke, that your Henry and your Jefferson, your Madison and Hamilton took their bearings."

Statecraft "is dedicated to Ronald Reagan, to whom the world owes so much." Thatcher's brief recounting of the Reagan-Gorbachev summit in Reykjavik is an example of how the Iron Lady rebuffs revisionist interpretations and sets the Reagan record straight.

During the 1986 summit, the father of *glasnost* was desperate to keep the United States from developing the Strategic Defense Initiative, which would allow the U.S. to defend herself from missile attacks. He tried to tempt Reagan by offering deep cuts in Soviet nuclear-weapons stockpiles. Reagan famously refused to trade away missile defense, and the talks broke down. For this, Reagan was skewered by the liberal elite. But the Cold War was finally won in unambiguous fashion precisely because Reagan refused to back down on this and other fundamental points. The Soviet Union had only one claim to superpower status: military might. By building up America's military capabilities and weakening Russia's, Reagan undercut all Soviet claims of superiority. And without military might, the whole empire crumbled.

It is this drawing on the lessons of history, stating the obvious, and resting on principle that makes *Statecraft* such an invaluable book and a pleasure to read.

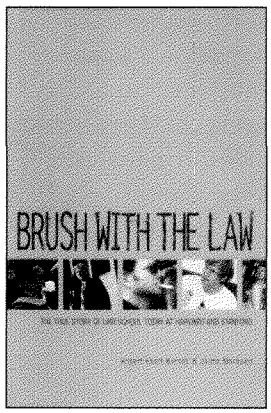
Leslie Carbone is co-editor of Fifty Years After the Declaration: The United Nations Record on Human Rights.

LAW SCHOOL DAZE

By Clark Stooksbury

Brush With the Law
By Robert Ebert Byrnes & Jaime Marquart
Renaissance Books, 336 pages, $24.95

Brush With the Law is actually two books. One by Harvard Law School graduate Jaime Marquart, and one by Stanford Law School alumnus Robert Byrnes. Both wound up at the same Los Angeles law firm and compared notes about their graduate school days. The myth that slavish, ascetic devotion is required to make it through a top law school should be thoroughly dispelled by their tales.



I graduated from the University of Memphis law school in 1993. Although that institution is an earthbound counterpart to heavenly entities such as Harvard and Stanford, the process is about the same: pompous, tweedy professors attempting to intimidate students and trip them up using the Socratic Method. The environment at a place like Memphis may even be tougher than at Harvard and Stanford in some ways. Unlike Byrnes and Marquart, I was almost always required to attend class. Yet I know from personal experience that successfully graduating from law school is perfectly compatible with plenty of goofing off. After the initial terror wears off—it takes about a month—law school is at worst manageable, and often easy.

Compared to the experiences of Byrnes and Marquart, my lazy law school days were a tour in the salt mines. Marquart devised an elaborate system to minimize the amount of work he did after his first year. It called for taking classes with large enrollments and boring professors who had a preference for take-home exams. Courses with gaseous titles like "Law and Society" and "Gender and the Law" are invariably fluff classes, Marquart advises. He even went so far as to calculate a "ditch ratio" based on the number of people who evaluate a class (generally on the last day before the next semester) compared to the number who eventually enroll. He surmises that if few students bother to show up on the last day, when valuable information about the final exam is likely to be imparted, then few found it necessary to attend throughout the semester. The lesson of his system is that success as a lazy law student requires a bit of industriousness.

When did Marquart actually get his legal education? "Turns out," he explains, "nine days [of the Introduction to Legal Studies course] is enough to learn everything you need to know to start work in a law firm." (Note that he did not say "to be a lawyer.") While I suggest it takes longer than nine days, it's true that three years of legal education is usually a huge waste.

Byrnes and Marquart both tell compelling stories, but they lard them down with detail about their personal lives that is excessive for anyone uninterested in the doings of mid-to-late-'90s slackers. Do we care about Marquart's gambling losses and various romantic and personal belly-flops?

But cut away the fat in *Brush with the Law* and there is still plenty of meat that the gatekeepers at Harvard and Stanford would rather you not digest.

At the beginning of their book, the authors quote an anonymous Yale law graduate suggesting: "I would caution you to be somewhat circumspect about what you write, whether or not it's true…. The value of your degrees—and that of every one else's—may be affected by what you write." To the extent that *Brush with the Law* is taken seriously, this Yale graduate is correct. The students, parents, alumni donors, and foundations that fund august institutions such as Harvard and Stanford—as well as the employers who pay bloated salaries to their graduates—may begin to wonder just what they are buying with all that money.

Clark Stooksbury writes from Knoxville, Tennessee.

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Oscar Politics

©AP/Wide World Photos

Ah, Academy Awards season. A time for Hollywood cynics to shine like stars.

Don't get me wrong: I enjoyed each of the five Best Picture nominees. But I wish I could say they're being honored solely for their artistic accomplishments. The truth is that industry politics are at least as important to winning a top Oscar as a great story or a stirring performance. As a small antidote to the self-congratulatory hoopla we're now hearing from Hollywood, here's a look at some of the *real* reasons the following films are up for Best Picture this season:

Chicago

How does an entertaining—if never quite transporting—musical snag 13 Oscar nominations, making it the favorite to win as Best Picture at this year's Academy Awards? With lots of P.R., that's how. Miramax Films, known for its lavish and aggressive campaigns for awards, has carefully cultivated a climate in which an Oscar seems to be an inevitability. Of course a studio alone can't generate the kind of buzz necessary to make a film a contender. For that you need accomplices who allow all the promotion to affect their judgment—in this case *Entertainment Weekly*, which put *Chicago* on its first Oscar issue, and the Hollywood Foreign Press Association, which fawned over the film at its recent Golden Globes awards show. Just like that, a Best Picture favorite is born.

The Hours

Since the Oscars are essentially Hollywood applauding itself, the nominees often reveal what the industry wants to see when it looks in the mirror. Something like *The Hours* makes Hollywood types feel good about themselves. An adaptation of an honored novel, which was itself based on a Virginia Woolf classic, the movie has the sort of literary patina that Oscar voters are suckers for. Nominating it allows them to drape themselves in a cloak of "culture."

The Pianist

As creators of drama, the film industry loves it when an Oscar nomination comes with attendant drama of its own—especially the sort that's swirling around *The Pianist*. To begin with, the film represents the first time director Roman Polanski has tackled the Nazi occupation of Poland—which he lived through as an eight-year-old. Then there is the gossip about whether the exiled Polanski will return to Hollywood, which he fled in the 1970s after being charged with having sex with a 13-year-old girl. This kind of scuttlebutt earned Polanski not only a Best Picture nomination, but also a selection as Best Director.

Gangs of New York

Gangs of New York also rides to Oscar night on a behind-the-screens story. This historical epic has moments of brilliance, but even its most enthusiastic supporters admit that it's deeply flawed. As the baby of director Martin Scorsese, however, the film gains the benefit of all doubts. Scorsese is a critic's darling who has been nominated for an Academy Award five times without ever winning. Making him a finalist once again this year lets Oscar voters show that they know "quality" when they see it, and keep the critics from one-upping them. And if Scorsese wins, there'll be a great sentimental gusher.

The Lord of the Rings: The Two Towers

With just one noteworthy nomination, for Best Picture, the second *Lord of the Rings* installment is something of a lame-duck nominee. Oscar voters had to recognize it, if only to justify going ga-ga last year over its predecessor, *The Fellowship of the Ring*. On its merits, *Two Towers* deserves to compete for Best Picture, but it's clear the Academy voters exhaust-ed their enthusiasm for this project last year, and are now just practicing retro-active self-validation.

But the swinging door of Oscar politics may tilt back in the direction of *Lord of the Rings* next year. Here's your first prediction for the Academy Awards champion of 2004: The final installment in the J. R. R. Tolkien trilogy—*The Return of the King*—will be hailed as epic filmmaking at its grandest. I'm just guessing. But if you're a Hollywood cynic, you might want to place your bet right now.

—Josh Larsen

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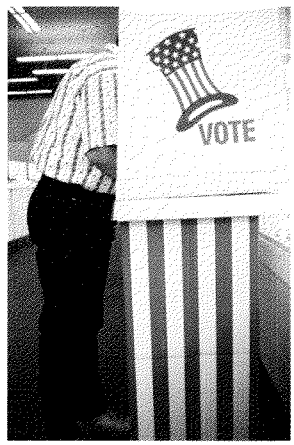
Edited by Eli Lehrer

Digest the

Summaries of important new research from the nation's universities, think tanks, and investigative publications



POLITICS

Latino Favors Are Fruitless

James Gimpel, *Latinos and the 2002 Election: Republicans Do Well When Latinos Stay Home,* Center for Immigration Studies, January 2003 (cis.org)

As part of an effort to attract more Latino voters to the GOP, the Bush administration has proposed increased immigration, amnesty for immigrants, and a new guest worker program. A new study from the Center for Immigration Studies, however, casts doubt on the viability of these efforts to draw Hispanics to Republicanism.

University of Maryland professor James Gimpel analyzed voting in several states with competitive Senate and gubernatorial races. He found that the Republicans sweep of 2002 election had little to do with the Latino vote. In fact, the victories were helped by Latino voter apathy. Lower-income Latinos and self-described independent voters (who tend to vote Democratic) stayed home on Election Day.

Yet the GOP ought not despair, says Gimpel. The truth is, there is no iron-clad Latino voting bloc. In Senate races, about one third of Latinos voted Republican, and in governors' races about half pulled the elephant lever. Latino voters are not of a radically different disposition from non-Hispanic whites. Most said they would base their support of Bush's reelection on the state of the economy.

As Republicans develop their campaign strategy for the 2004 elections, Gimple has a suggestion: "Playing ethnic politics with a group this diverse will continue to be a waste of time, and is as likely to insult and turn off Latinos (to say nothing of non-Latino voters) as it is to turn them on to Republican party politics." —*Rachel Jurado*

A Just War

Michael Novak, "War to Topple Saddam Is a Moral Obligation," *The Times* (London), February 12, 2003 (thetimes.co.uk)

As America girds for war against Iraq, theologians in major faiths, Roman Catholicism included, have come out in opposition to the conflict. In an article for *The Times*, AEI theologian Michael Novak argues that a war with Iraq is consistent with both the Catholic Church's teaching and the broader western tradition of just war.

To begin with, Novak points out that Catholic thinking places responsibility for declaring and waging war with public authorities—not men and women of the cloth. He points out that public authorities tend to have privileged intelligence about threats that cannot be made available to members of the public and, in any case, they, not religious leaders, have the primary vocational responsibility to decide on questions of war and peace.

This question of ultimate responsibility aside, Novak argues that war sometimes becomes a moral obligation under the Church's doctrine of *jus ad bellum*. Under just war theory, war becomes not only good but morally obligatory when it forwards public authorities' obligations to charity and justice and "takes seriously a sinful world in which injustice and violence against the innocent will continue for all time."

Given how destructive, cruel, and willing to threaten peace the current regime in Iraq has become, Novak finds that a compelling case for war against Iraq exists if it continues to evade efforts to eliminate its weapons of mass destruction.

The entire legitimacy of the international order, Novak believes, may be at risk if countries do not act. On this basis, Novak argues that political leaders who take on faith promises by Iraq to disarm could actually commit a sin if their populations face attack from terrorists as a result of such inaction.

"Either the world community now upholds international order, or it backs down from its own solemn agreements," he writes.

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SOCIETY

Big Little Kids

Mary Eberstadt, "The Child Fat Problem," in *Policy Review,* February/March 2003 (policyreview.com)

America has more overweight people than any other country in the world. Among children, the epidemic of expanding waistlines has become exceptionally dire: Weight-linked diseases such as type-2 diabetes that once afflicted only adults have become much more common among children. While she does not altogether dismiss the theories that expanding portion sizes, genetics, and affluence have made kids fatter, Eberstadt believes that the influx of mothers into the workplace does the most to explain the ever-expanding girth of America's kids.

At-home mothers, Eberstadt argues, police what their children eat and thus reduce their likelihood of becoming overweight. They also make less use of electronic babysitters like television and video games—which discourage exercise and encourage eating. Day care programs, likewise, provide little regular exercise. Welfare reform may have made things worse by allowing poor children to spend even more time in front of the TV.

Mothers not in the work force also breastfeed more. Research correlates breastfeeding with less childhood obesity. In the end, Eberstadt believes, the epidemic of obesity results from the "worlds of home and work being out of joint."

Tuition Alarmism

William Trombley, *College Affordability in Jeopardy*, National Center for Public Policy and Higher Education, Winter 2003 (highereducation.org)

This widely disseminated report from a higher education research center argues that the affordability of higher education is seriously threatened as a result of hard fiscal times in many states. But the report's argument is self-contradictory, and built on ambiguous data.

The report begins with the claim that spending on colleges "dropped sharply" in 2002-03 budgets. But then a few paragraphs later it acknowledges that the overall trend was more up than down.

From 2001 to 2002, most states held spending on higher education roughly level. Eleven states increased spending significantly. Eleven states cut it sharply. In all, spending rose at least slightly in 36 states. The national average came to a 1 percent real spending increase, in constant dollars.

A sidebar to the report cites early-1990s reductions in college enrollment in a few individual state college systems as part of a claim that tuition increases now being proposed by some states will decrease college enrollments across the country. The report also shows that yearly tuition at public colleges remains lower than many people realize: an average of slightly under $2,000 at public two-year schools, while four-year schools cost about $3,700 annually.

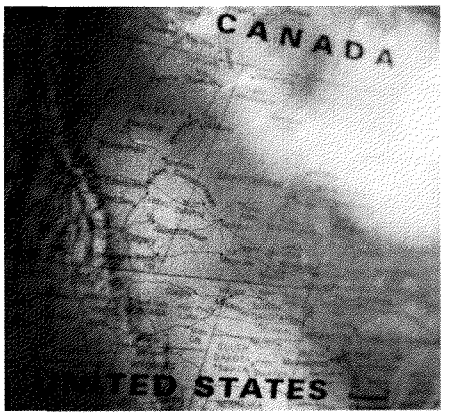
ECONOMICS

Ranking States by Freedom

Amela Karabegovic et al., "Economic Freedom of North America," Fraser Institute (fraserinstitute.ca) and National Center for Policy Analysis (ncpa.org)

A new report from two think tanks—one Canadian, the other American—evaluates the relative economic freedom of every American state and all major Canadian provinces. Assessing the overall size of government, level of taxation, and several measures of the intrusiveness of government regulation, the researchers find that economic freedom has increased, overall, in both nations since the early 1980s.

In general, states and provinces with lower taxes and smaller government saw



faster economic growth during the 1980s and 1990s, and enjoy higher standards of living today. States and provinces that loosened regulation, shrank government, and lowered taxes saw good results: New Hampshire's per capita income, for example, went from significantly below the American average in 1980 to significantly above average in 2001, after the state pared regulation and cut taxes.

Delaware, Tennessee, and Colorado topped the index overall as the most economically free places in North America, while Alberta, in the middle overall, ranked as the freest Canadian province. West Virginia, America's poorest state, was rated as the least economically free place in the U.S., while Quebec ended up at the bottom of the Canadian heap, and the very bottom of the overall North American rankings.

Nearly all American states have more economic freedom than most Canadian provinces. Ontario, Canada's largest province, ranks ahead of only three American states in overall prosperity, and behind all but two in economic freedom.

Some surprises do emerge: Massachusetts lands near the top of the index. And Montana does almost as poorly as West Virginia when it comes to economic freedom.

Right-to-Work Works

Stan Greer, *Real Earnings Higher in Right to Work States: Evidence from The AFL-CIO Empire,* National Institute for Labor Relations Research (nilrr.org)

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Right-to-work laws, which make it illegal to mandate union membership as a prerequisite for holding a job, weaken the power of unions. Since the first right-to-work laws went into effect during the 1940s, unions have contended that they therefore lower wages for union and non-union workers alike.

Using an index first developed by the American Federation of Teachers, a union, Stan Greer finds that the union claim is false. After adjusting for costs of living alone, non-right-to-work states and right-to-work states show essentially the same wages for workers.

When taxes are taken into account, the picture becomes quite clear. After taxes, workers in right-to-work states take home an average of $484 per week, while those with union-only shops take home $468. Unions, in other words, appear to reduce rather than increase real take-home pay.

Greer sees a correlation between high taxes and forcing workers to pay union dues: "Where forced dues are legal," he writes, "union officials use their power to dislocate labor markets and bankroll tax-and-spend, regulation-happy legislators and governors."

SCIENCE AND TECHNOLOGY

Air Power Anywhere

Malcolm Davis, "Briefing: Future Air Strikes," *Janes' Defense Weekly,* January 15, 2003 (jdw.janes.com)

Since the early 1990s, the U.S. Air Force has been nearly invulnerable in war, partly thanks to stealth technology that lets planes vanish from enemy radar. As the downing of one American stealth aircraft during the Kosovo war shows, however, stealth technology has its limits. China and perhaps Iraq have systems that may be able to detect existing stealth aircraft, thus eroding America's advantage in the skies.

In a review of the future of American air power, British defense lecturer Malcolm Davis gives an overview of the potential innovations ahead which are intended to ensure continued American air superiority. For one thing, thanks to targeting that uses the Global Positioning System, American aircraft are increasingly able to fly very high—much higher than during the Gulf War—and still deliver bombs and missiles effectively.

Also, Unmanned Combat Air Vehicles, used in combat during the war on terror, will become more common, though pilot-flown airplanes will continue to predominate. In both cases, new types of bombs and missiles will soon allow aircraft to hit a much broader range of targets.

Future design research will focus on aircraft that fly at the edges of space, combat aircraft which fly as fast as 11 times the speed of sound, and spacecraft that can direct munitions at ground-based targets. One proposed aircraft would skip in and out of the lower levels of space, flying so far above the earth that pilots would become weightless. Beam weapons—primarily lasers and microwaves—also promise to figure into future aerial combat.

Eventually, these new technologies might allow the United States to strike enemy targets right from the American homeland, thus ending the need for bases in other countries as well as aircraft carriers. When all of these technologies become available, Davis writes, "any target is a mere 45 minutes away."

OTHER COUNTRIES

Trouble in Venezuela

Mark Falcoff, "Is There Hope for Peace in Venezuela?" in *Latin America Outlook,* American Enterprise Institute (aei.org)

Venezuela's economy will shrink significantly in 2003, and the entire country faces an uncertain fate. AEI scholar Mark Falcoff argues that this state of affairs is largely due to the country's radical president, Hugo Chavez. Chavez has been unable to compromise with his myriad opponents, and as a result may not survive much longer.

Falcoff writes that Chavez "regards all opposition as immoral." He has wrecked the state-run oil company—the country's main economic engine—by replacing capable managers with cronies devoted to himself and his supposed "revolution."

Chavez's failure to lead has inspired many efforts to remove him from office. This could happen if the legislature, which has until now mostly served as a rubber stamp, is able to force new elections through a constitutional amendment or impeachment proceedings.

The Venezuelan military's role in any conflict is an important wild card. Although it appears that Chavez has a grip over the armed forces, a change of heart by the military would not be unprecedented in Latin America's long history of military intervention in the affairs of civilian governments.

After 40 years of (admittedly imperfect) democracy, Falcoff suggests, Venezuelans will not long tolerate a totalitarian regime.

But it is very difficult to predict what would happen in the country should Chavez be forced out of office. Even if Chavez is ousted, many of his followers would participate in future elections. In any event, no viable successor exists: Chavez won in the first place because voters had little use for the nation's corrupt political parties.

Any leader who succeeds Chavez will have to deal with the nation's slumping oil sector, vast income inequality, and sharp regional differences.

Chavez has shown acute awareness of these problems, but has chosen to address them by dividing the country, allying himself with communists, and providing no substantive solutions.

—Alan Braun

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Beat the Press

The hand that rules the press…rules the country—Judge Learned Hand

Prime-time Air Kisses for the U.N.

Here's my new favorite joke. A guy pulls into a gas station. He sees a sign reading "Talking Dog For Sale: $10." The guy goes up to the clerk and says, "Is that sign for real?" The clerk responds, "Absolutely. He's in the back."

The guy walks around to the back of the station and sees a dog resting its head on its paws. Awkwardly, the guy goes up to the dog: "Can you really talk?"

The dog replies, "Oh, sure."

"Wow! What's your story?"

The dog says: "Well, I've had a pretty wild life. I worked for the CIA for several years. Since nobody thinks dogs can talk, I could listen in on all sorts of stuff. I spied for the U.S. government all around the world. Then, with all the terrorist stuff, they had me working airports. I personally foiled two dozen terrorist plots. After that, I trained a whole generation of dogs for covert ops…."

The man returns to the clerk and says, "My goodness, that dog is amazing! Why on earth are you selling him for $10?"

"Because he's a no-good liar. He didn't do any of that stuff. He just makes it up."

I'm telling that joke not just because I think it's funny, but because it reminds me of the way the media treats the United Nations. Yes, in the broad scope of human history, the U.N. is a miraculous thing, an institution which brings all of the nations of the world together to hammer out their differences. What an amazing feat! Blah blah blah. But, like the talking dog, the miracle of the U.N. is that it exists at all—not that it has done anything very impressive.

The U.N. trades on its "moral authority" at every opportunity, claiming to be an eternal font of justice and truth for the world. And perhaps it actually believes its own hot air. But that hardly means the media should. At a time when journalists engage in heated debates about whether terrorists should be referred to as "so-called terrorists" (Reuters won't even use the word at all), why is there so little skepticism or intelligent scrutiny of the U.N.'s moral authority? On the Monday after the *Columbia* shuttle disaster, Katie Couric of the *Today Show* said of the seven astronauts that "they were an airborne United Nations." She meant it as a compliment; but as a friend of mine commented at the time, "it's not nice to speak ill of the dead."

Liberal enthusiasm for the United Nations is possible only because liberals are willing to pretend that the U.N. actually is what it ought to be. The *Columbia*'s crew was a highly competent and principled collection of seven disparate individuals dedicated to a common goal—and led by the United States.

The actual United Nations is most often a Babel of Jackassery, occasionally a kabuki theater for tyrants, and only extremely rarely does it resemble anything remotely as noble or dedicated as the crew of the *Columbia*.

The new heads of the United Nations Disarmament Conference are…brace yourself…Iraq and Iran. Why? Because it was their turn alphabetically! Even the savior organization of humanity is powerless before the might of the alphabet. The head of the U.N. Human Rights Commission will be…Libya. *It was overwhelmingly elected.*

We could dangle Kofi Annan from the General Assembly rostrum by his underwear and the U.N. wouldn't look more absurd than it does right now. Indeed, where is the tipping point from the absurd to the tragic? What if the Human Rights Commission were taken over *completely* by non-democratic thugocracies? Would diplomatic correspondents like NBC's Andrea Mitchell continue to refer to the "moral authority" of the U.N.? Would the *New York Times* still treat U.N. pronouncements on Israel or America as condemnations from on High?

If journalists are concerned about sounding too negatively judgmental of terrorists, they ought to apply the same logic and show a little concern about being too *positively* judgmental of the U.N. Let's see them police themselves just as much against ascribing unearned nobility to an increasingly ignoble institution.

Just because you want the marvelous talking dog to be a hero doesn't make him one. And just because the U.N. claims to be the savior of the world doesn't mean it is. Journalists in particular should be applying some truth tests.

—Jonah Goldberg

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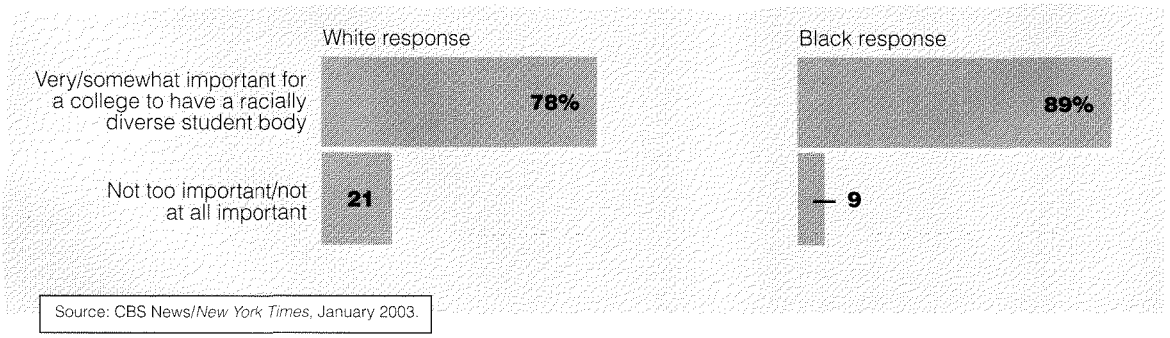
Opinion Pulse

Edited by Karlyn Bowman

Affirmative Action Reconsidered

What do Americans agree on in this highly contentious area? First, that it is important to have a racially diverse student body on college campuses. Second, that colleges and universities should not give preference in admission to blacks, Hispanics, Asians, athletes, musicians, or children of alumni.

Question: How important do you think...?



Source: CBS News/*New York Times*, January 2003.

Question: On another topic... Please tell me whether you think...

Colleges and universities should...

	Give preference in admissions to blacks	Should not	Give preference in admissions to Hispanics	Should not	Give preference in admissions to Asians	Should not
White response	22%	73%	22%	73%	20%	75%
Minority response	38	56	38	59	33	60

Colleges and universities should...

	Give preference to children of alumni	Should not	Give preference to athletes	Should not	Give preference to musicians and other artists	Should not
White response	17%	77%	20%	76%	23%	72%
Minority response	26	66	28	66	33	60

Source: Princeton Survey Research Associates for *Newsweek*, January 2003.

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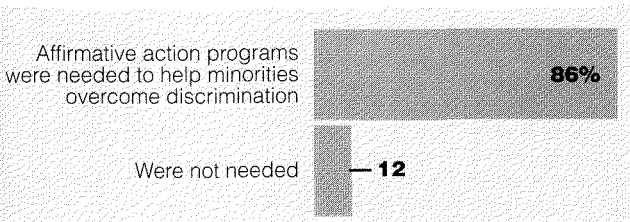
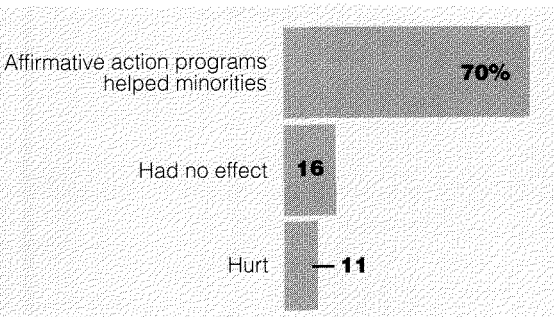
Americans tell pollsters that affirmative action programs were necessary when they were first used, and that they helped minorities. Today, however, most people object to public universities using race as one of the factors in admissions. Help in the admissions process for low-income people of all races has solid support, as does offering assistance—but not preferences—to minorities in getting jobs and promotions.

Question: When affirmative action programs were first adopted almost 30 years ago, do you think...?

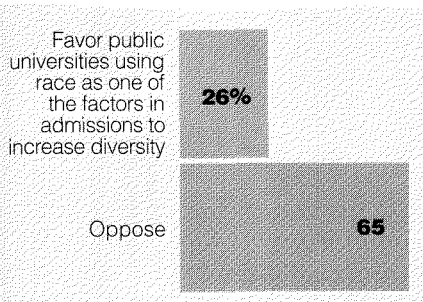


Source: Gallup, CNN, and *USA Today*, February 1995.

Question: Overall, do you think affirmative action programs for the past 30 years have ...?

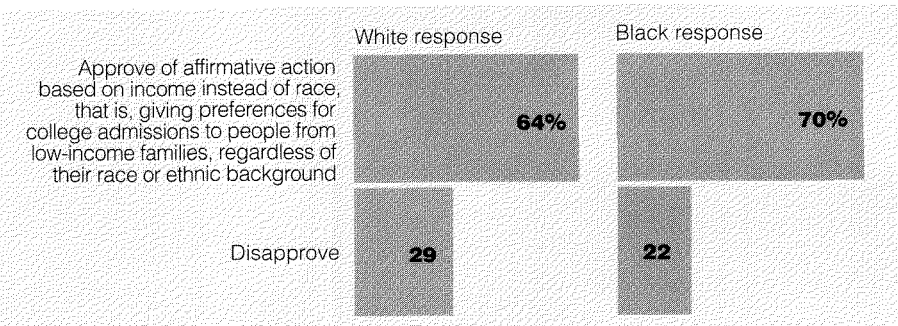


Question: As you may know, the U.S. Supreme Court will be deciding whether public universities can use race as one of the factors in admissions to increase diversity in the student body. Do you ...?



Source: NBC News/*Wall Street Journal*, January 2003.

Question: Would you ...?



Source: Princeton Survey Research Associates for *Newsweek*, January 2003.

Question: On another subject, do you...?

Support government and private programs that give women, blacks, and other minorities...

	Preference over white men getting into college, getting a job, or getting a promotion	Oppose	Assistance—but not preference—getting into college, getting a job, or getting a promotion	Oppose
National	30%	66%	69%	26%
Whites	24	73	67	28
Blacks	65	29	79	19
Democrats	42	54	75	22
Republicans	17	81	61	35
Independents	28	65	73	22

Source: ABC News/*Washington Post*, January 2003.

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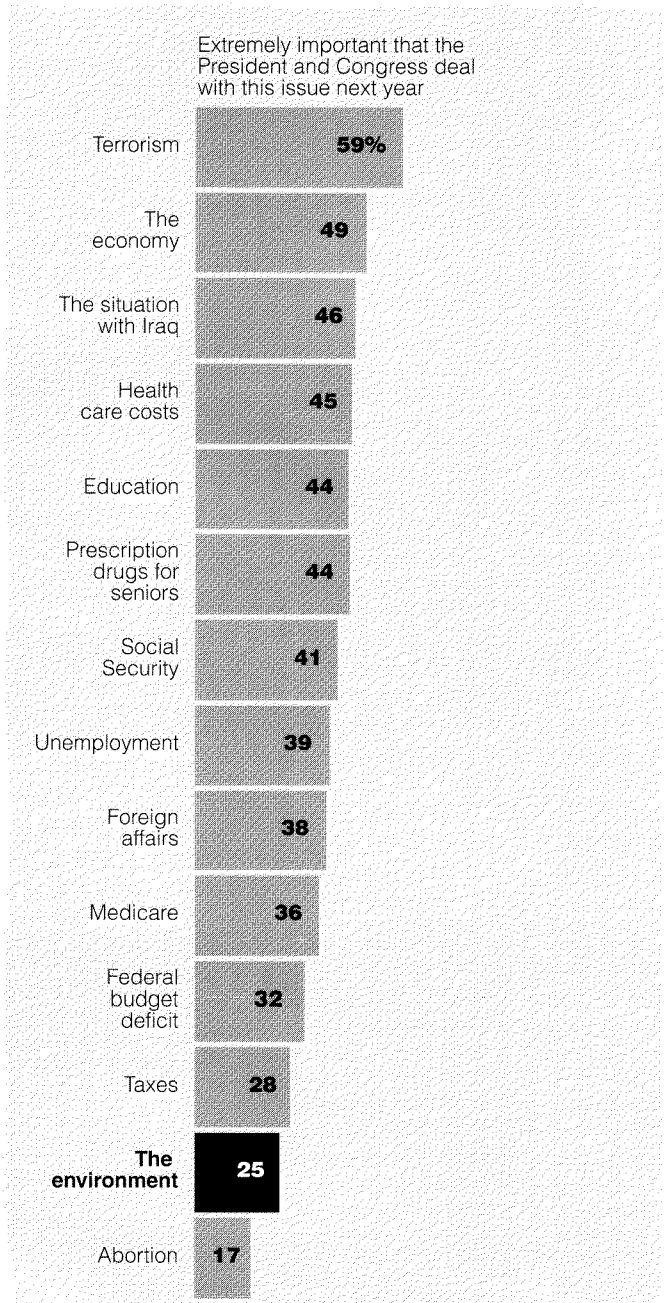
Earth Day Revisited

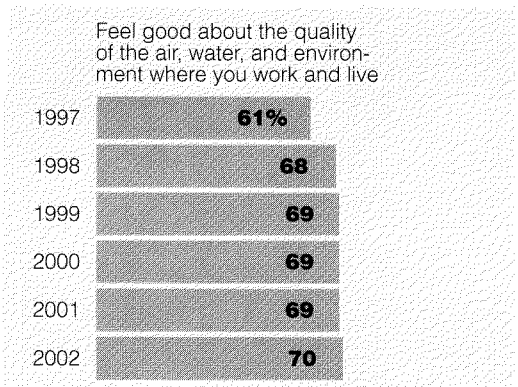
Thirty-three years after the first Earth Day in 1970, Americans remain deeply committed to a clean and healthy environment. But with concerns about war and the economy uppermost in their minds, Americans do not put environmental matters high on their current list of priorities. Large majorities feel good about the quality of the environment where they live. Fifty-five percent are satisfied with the quality of the environment in the nation, but 42 percent are not. Most people say they are sympathetic to, but not active in, the environmental movement.

Question: How important is it to you ...?



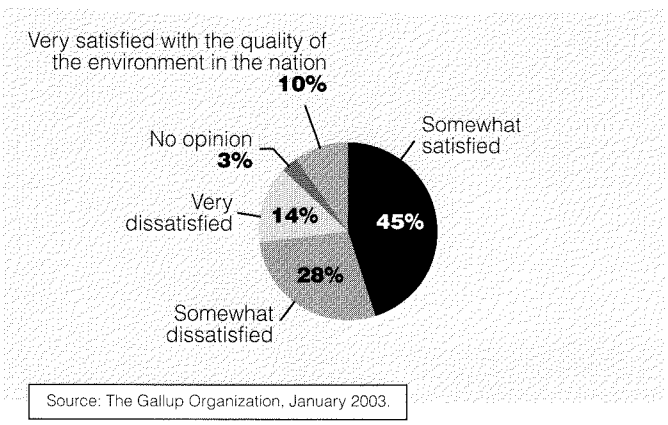
Note: Twenty-five percent said it was extremely important for the President and Congress to deal with the environment, 38 percent thought it was very important, 30 percent said it was moderately important, and 6 percent not that important.
Source: Gallup, CNN, and *USA Today*, January 2003.

Question: Next, we'd like to know whether or not you...



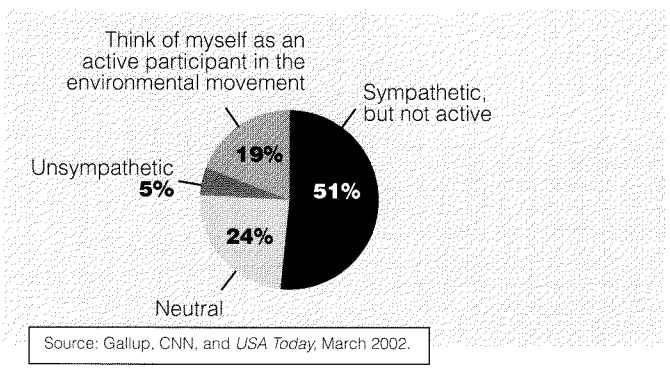
Source: Harris Interactive, latest that of June 2002.

Question: Next, we'd like to know how you feel about the state of the nation in each of the following areas. For each one, please say whether you are...



Source: The Gallup Organization, January 2003.

Question: Next, we'd like to know... Do you...?



Source: Gallup, CNN, and *USA Today*, March 2002.

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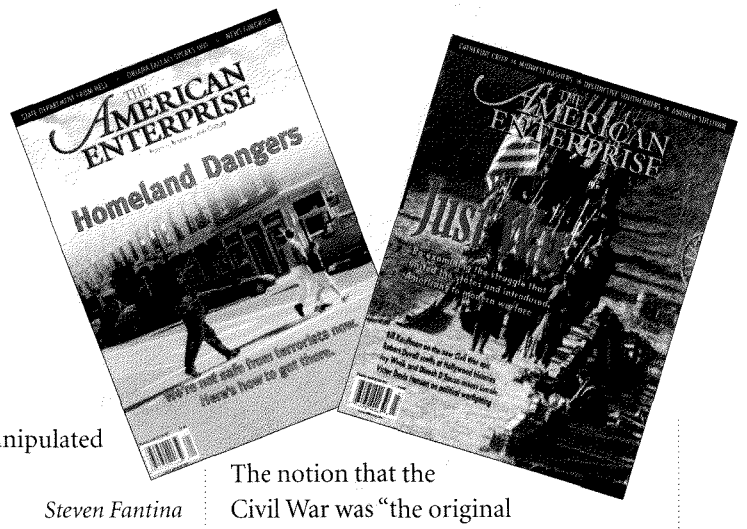

Your January/February issue on "Homeland Dangers" was cathartic: exhilarating and refreshing beyond description. Karina Rollins ("No Compromises on Terror") provided the common sense that could lead to a return of national sanity.

The only reservation I had was Ms. Rollins' reference to mosques as a threat. Our problem is not with mosques, but with some of the people who go to them.

Wayne Skaggs
Wimberley, Texas

In the late 1960s, my family, now residents of Massachusetts, lived in rural Virginia. We gained a perspective on the Confederate story that Yankees like us rarely have.

Your March 2003 issue was unusually thorough as well as empathetic to both sides of the Civil War. All I can say is, "WOW, what a great issue!"

Art Needham
Fitchburg, Massachusetts

Bravo to Dinesh D'Souza and Jay Winik for their comprehensive refutations of Abraham Lincoln's smarmy critics ("Revising Mr. Lincoln," March).

Whether advancing from the Left or the Right, these flaccid Lincoln-bashers succeed only in exposing their own pettiness and insignificance. To the small-minded, apparently, nothing is sacred. Out-of-context quotes and distorted anecdotes can be misused to "prove" just about anything.

Winik could just as well be impugning these inconsequential slanderers with his statement that "second-rate men are shaped and manipulated by the force of events."

Steven Fantina
Philipsburg, New Jersey

For Jay Winik to compare Lincoln with "George Washington and other revolutionary rebels" is shameful.

Washington and the other revolutionaries never invaded England nor did they shut down newspapers, suspend *habeas corpus*, establish martial law, or destroy an economy and way of life. They did not slaughter civilians and rout children for their "higher purpose."

We are now living with the fruit of what was accomplished in the Civil War: An ever-expanding, immorally inefficient, centralized government without the benefit of the check that sovereign states offered.

Debra Jared
Winnsboro, Texas

Many of the authors who write about the Civil War in your March issue do not hail from the South.

Those of us who live here might be inclined to welcome some vestige of what Jay Winik describes as Lincoln's "remarkable compassion and charity" in the face of the continuing scurrilous attacks against our honor and culture. Many of us would once again prefer to be left alone as much as is possible, now that the slavery issue has been settled. We have had quite a bit more reconstruction than we care to endure.

Michael Kilpatrick
Macon, Georgia

The notion that the Civil War was "the original Good War" (BIRD'S EYE, March) ought to be challenged.

From an economic point of view, slavery was a failing institution that would have vanished in another two decades without a war. Paying the Southerners to free the slaves would have cost the Union $3 billion, as compared to the $12 billion the Civil War actually cost.

There should be a special place in hell for men like Grant and Lee who sent thousands of young men to their dealths for no useful purpose. There have been just wars. The Civil War just wasn't one of them.

Martin Harris
Brandon, Vermont

My take on *About Schmidt* is slightly broader than Josh Larsen's (NOW PLAYING, March).

I too was disappointed by the movie's depiction of the Midwest, but I had an additional objection. Tucked in the trailers before *About Schmidt* was a slick commercial for ChildReach, the organization that lets Schmidt "adopt" the Tanzanian boy, Ndugu. I attend movies frequently; that was the first time I've seen a commercial of any kind inserted within the trailers that way.

About Schmidt is the last Jack Nicholson movie I'll attend.

Bob Stanton
Valrico, Florida

The American Enterprise welcomes your comments. Send e-mail to tae@aei.org. Or write "The Mail," The American Enterprise, 1150 17th Street N.W., Washington, D.C. 20036. Or fax (202) 862-5867. Please include your address and phone number. Published letters may be edited for length and clarity.

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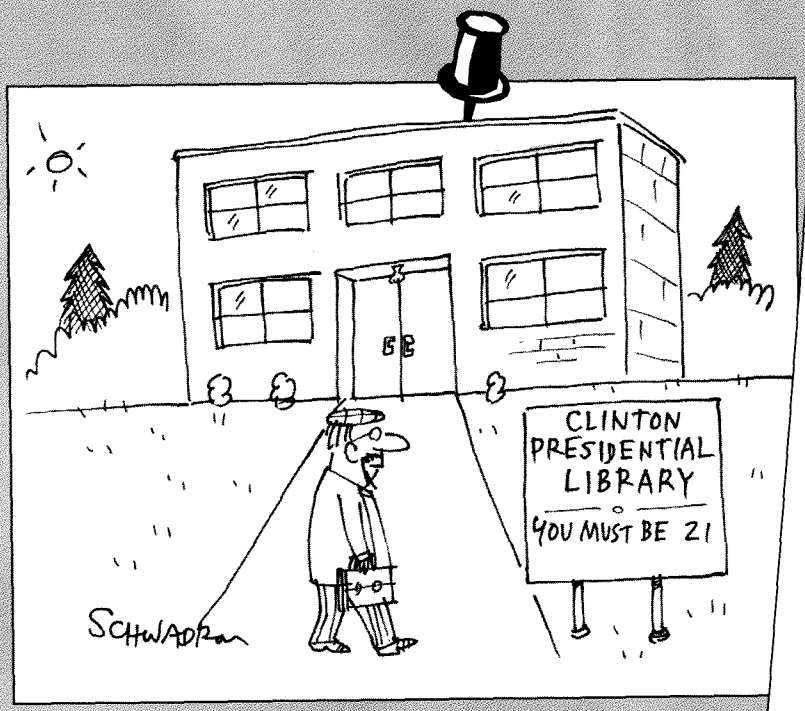

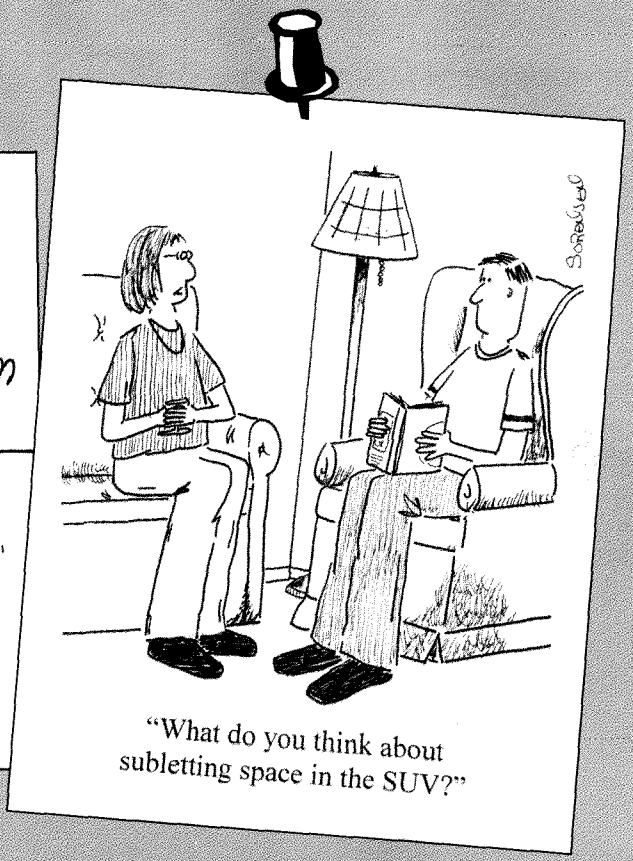

Left: Cartoon Stock LTD.

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Think Tank has been awarded three Telly Awards, one of the most sought-after honors in the TV and video industry. The Telly Awards is a national competition that receives over 10,000 entries every year.

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Candace Crandall - Associate Producer
Marina Malenic - Associate Producer
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Jenny Utterback Gebhardt - Post Production
Greg Erken - Director of Television Operations
Lynn Hoverman - Business Affairs
Jeremy Kadden - Production Assistant

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